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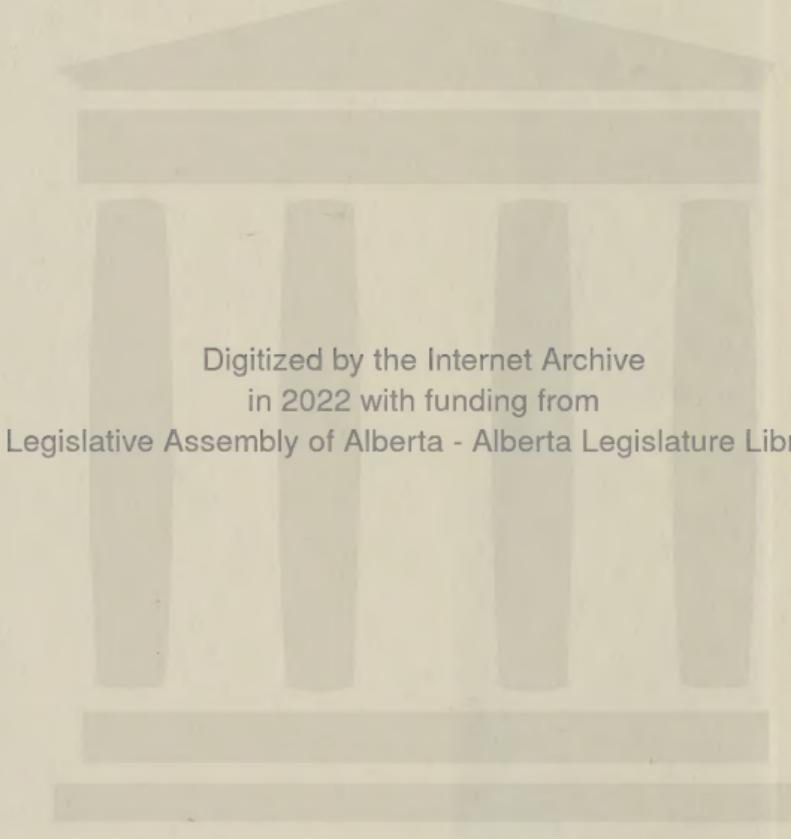


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Synopsis of Statutes of  
**GENERAL APPLICATION**

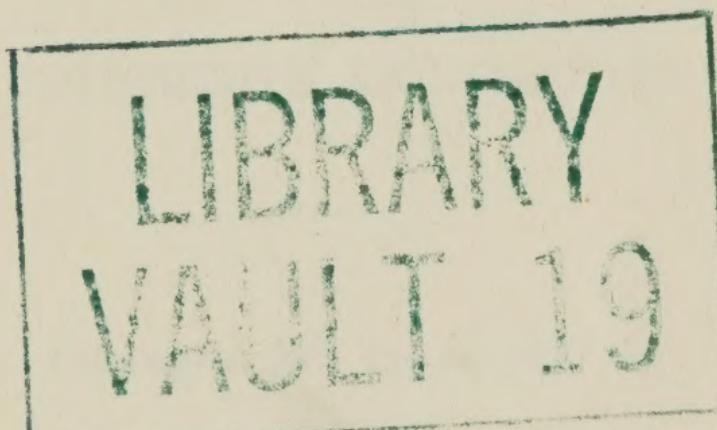
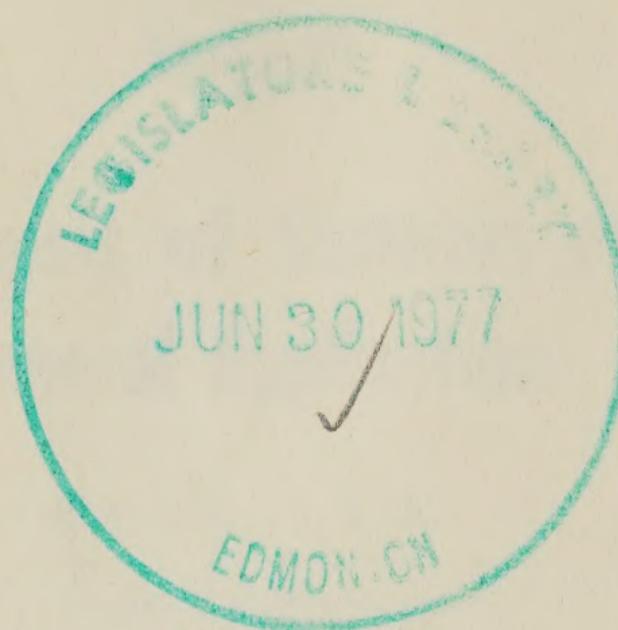
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PROVINCE OF ALBERTA

*or Laws, statutes, etc.*



# Synopsis of Statutes of General Application

ENACTED AT THE  
FIFTH SESSION  
OF THE  
THIRTEENTH LEGISLATURE

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February 5th to April 7th,  
1959

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Prepared by  
The Office of the Legislative Counsel  
— and —  
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## **SYNOPSIS OF STATUTES OF GENERAL APPLICATION**

**Enacted at the Fifth Session of the  
Thirteenth Legislature**

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### **THE AMUSEMENTS ACT**

#### **AMENDMENT ACT**

**(Chapter 1)**

**(Bill 44)**

This Act amends *The Amusements Act*, being chapter 13 of the Revised Statutes.

Clause (l) of section 2 is repealed resulting in the abolition of the amusements tax.

Sections 7, 8, 9 and 10 are repealed.

A subsection (7) is added to section 11 making it an offence for an operator to neglect or refuse to collect the pari mutuel tax or to permit or authorize a person to bet without having paid the tax.

Sections 12, 13 and 14 are repealed.

Section 15, subsection (2) is amended by striking out clause (b) and by making clause (d) refer to pari mutuel tax tickets rather than admission tax tickets.

Section 29 is amended by making it applicable to an operator as well as an owner.

Section 36 is amended. Clause (b) is amended to make it refer to the operator of a race course or race meeting rather than the owner of an amusement or place of amusement. Clause (c) is amended to make it refer to the commission on pari mutuel tax rather than amusement tax. Clause (h) is struck out.

The Schedule setting the amount of the amusements tax is struck out.

This Act came into force on the 1st day of April, 1959.

### **THE APPRENTICESHIP ACT**

#### **AMENDMENT ACT**

**(Chapter 2)**

**(Bill 69)**

This Act amends *The Apprenticeship Act*, being chapter 14 of the Revised

Statutes to remove the three month period of employment permitted under section 14.

This Act came into force on the 7th day of April, 1959.

**THE APPROPRIATION ACT, 1959**

(Chapter 3)

(Bill 105)

This Act provides for the payment out of the General Revenue Fund of One Hundred and Fifty-one Thousand, One Hundred and Fifty-two Dollars and Forty-three cents to defray expenses not provided for for the fiscal year ending March 31st, 1958; and for the payment out of the General Revenue Fund of Fourteen Million, Four Hundred and Thirty Thousand, Two Hundred and Fifty-two Dollars and Five Cents, on account of expenditures for the fiscal year ending March 31st, 1959; and also for the payment out of the General Revenue Fund of Three Hundred and Four Million, Six Hundred and Seventy-six Thousand, Three Hundred and Fifty-eight Dollars, on account of expenditures of the Public Service of the fiscal year ending March 31st, 1960.

This Act came into force on the 31st day of March, 1959.

**THE ASSESSMENT ACT**

**AMENDMENT ACT**

(Chapter 4)

(Bill 61)

This Act amends *The Assessment Act*, being chapter 17 of the Revised Statutes.

The definition of "buildings and improvements" in subsection (2) is revised and the definition of "fixtures" found in clause (l) is incorporated therein. Clause (l) is struck out.

Section 5 is amended by adding a subsection (4) providing that certain machinery and equipment affixed to land and used for manufacturing or processing purposes are exempt from business assessment and business taxation.

A new subsection (2a) is added to section 20 providing that certain ma-

chinery and equipment affixed to land is to be assessed annually and depreciation is to be taken into consideration in the manner prescribed.

Section 27 is amended by removing the requirements relating to business assessment from subsection (1) and incorporating them in a new subsection (1a) requiring the completion of the business assessment roll at a date later than the time at which the real property assessment roll must be completed.

This Act came into force on the 7th day of April, 1959, and is made retroactive to the 30th day of December, 1958.

**THE BOW RIVER DEVELOPMENT ACT  
AMENDMENT ACT**

(Chapter 5)

(Bill 19)

This Act amends *The Bow River Development Act*, being chapter 48 of the Statutes of Alberta, 1955, by adding a new section 41a. The new section incorporates into this Act a power similar to that contained in section 141 of *The Irrigation Districts Act*.

This Act came into force on the 7th day of April, 1959.

**THE BRAND ACT  
AMENDMENT ACT**

(Chapter 6)

(Bill 30)

This Act amends *The Brand Act*, being chapter 30 of the Revised Statutes, to provide that a prosecution under section 22 may be commenced within two years of the commission of the alleged offence.

This Act came into force on the 7th day of April, 1959.

**THE CHIROPODY PROFESSIONS ACT  
AMENDMENT ACT**

(Chapter 7)

(Bill 93)

This Act amends *The Chiropody Professions Act*, being chapter 40 of the Revised Statutes.

The name of the practice governed by this Act has been changed from "Chiropody" to "Podiatry" and all references in the Act are changed accordingly. The Act hereafter will be known as *The Podiatry Professions Act*. The Act also makes a change in the functions of the Alberta Chiropody Association and the Board of Examiners in Chiropody. Previously, the Board, appointed by the Lieutenant Governor in Council, only evaluated educational qualifications; registration and discipline was in the hands of the Association. These powers of registration and discipline are given to the Board and hereafter the right to practise depends upon the holding of a subsisting certificate of competency issued by the Board. Membership in the Association will be voluntary. Persons holding a certificate of registration from the Association on the date this Act came into force are entitled to receive without charge a certificate of competency from the Board and until such certificate is issued the certificate from the Association is deemed to be a certificate of competency.

A new section enables podiatrists to supply or prescribe such drugs, chemicals or compounds as may be authorized by order in council.

This Act came into force on the 7th day of April, 1959.

**THE CITY ACT  
AMENDMENT ACT**

(Chapter 8)

(Bill 88)

This Act amends *The City Act*, being chapter 42 of the Revised Statutes.

Section 2 is amended by adding a definition of "mobile home".

Section 67 is amended by adding subsections (2) and (3) authorizing the Supervisor of Assessments, upon request, to assist the assessor of a city in carrying out his assessment program. Fifty per cent of the cost is to be borne by the Department of Municipal Affairs and the rest by the city concerned.

Section 68 is revised for greater clarity.

Sections 96, 99, 102, 103 and 161 are

amended where they refer to residents' qualifications in the city by adding a reference to residents in an area annexed to the city.

Section 262 is amended by substituting the word "members" for the word "aldermen".

Section 294, subsection (2) is amended to make it inapplicable to the acquisition of lands by lease.

Section 318 is amended by striking out the words "by this Act".

Section 343, clause (b) is revised to authorize the construction of public utility installations as well as highways, on public park land.

A new section 353a is added authorizing the council to license mobile homes situate in the city. The maximum licence fee is not to exceed \$90.00 per year. Provision is made for a rebate when the mobile home leaves the city during the course of a year. A licence is not required in respect of a vacation trailer occupied by a bona fide tourist.

Section 386 is amended by adding a subsection (3) authorizing a city officer charged with the responsibility of enforcing building and fire by-laws to enter upon premises within the city at all reasonable times to determine whether the requirements are being complied with.

Section 387, subsection (1) is amended to enable permits to be given for the construction of part of a building only.

Section 388 is amended to authorize council to pass by-laws prohibiting the use of electrified fences.

Section 388a gives the council power to cause the forcible removal of occupants from condemned buildings and buildings in breach of a by-law requirement under section 388, clause (a) and clause (g).

Section 389 is amended by adding subsection (7) giving council power to forcibly remove occupants of buildings to be demolished or removed pursuant to this section.

Section 393 is amended to make it clear that section 393 applies only to moneys payable by way of an annuity or death benefit.

Section 404 is amended to increase the permissible amount from twenty-five cents to fifty cents *per capita*.

Section 436 is revised for greater clarity.

Section 474 is amended by adding a subsection (1a) that expressly requires certain pipe lines to be assessed as improvements to the pipe line owners. This provision is effective as of the 31st day of December, 1958.

Section 544 is amended. Subsection (1), clause (c) is revised to make the language uniform to that in *The Assessment Act*. Subsection (2) is amended to state that all land including land vested in the Board of Governors of the University of Alberta is liable for taxation for local improvements and frontage tax.

Section 592, subsection (1) is amended by striking out the figures "589".

Section 613, subsection (2), clause (f) is amended by substituting "court of revision" for the "council". This change is made effective to the first day of January, 1958.

Section 617, subsection (1) is amended to provide that an appeal does not lie against the rates per foot fixed by by-law under any of the provisions of sections 582 to 585.

Section 619 is revised to limit the court of revision to hearing appeals from assessment only and not the rate set by by-law for the frontage rate. This section is applicable on and after the 1st day of January, 1958.

Section 631 is amended to permit a debenture by-law to prescribe a maximum rate of interest instead of definitely fixing it as previously.

A new section 646a authorizes certain agreements respecting city parking facilities and the construction and financing thereof.

The Schedule is amended as to Forms 5 and 16 by adding references to areas annexed to the city to conform with the amendments made to section 96, etc.

This Act came into force on the 7th day of April, 1959.

## **THE CIVIL SERVICE GARNISHEE ACT**

**(Chapter 9)**

**(Bill 101)**

This Act cited as "The Civil Service Garnishee Act" repeals and replaces "The Civil Service Salary Garnishee Act", being chapter 45 of the Revised Statutes. This Act provides that a judgment debtor may attach the salary or wages of a civil servant in the hands of the Provincial Treasurer or a board or commission of the Crown by the same procedure as is set out in The Rules of Court respecting garnishment. The Act provides that in addition to the exemptions set out in The Rules of Court the garnishee does not attach to any amount that is required to be retained out of the wages or salary of an employee pursuant to any Act or regulation.

This Act comes into force on the 1st day of July, 1959.

## **THE COMPANIES ACT AMENDMENT ACT**

**(Chapter 10)**

**(Bill 78)**

This Act amends *The Companies Act*, being chapter 53 of the Revised Statutes.

Section 16 is amended to require the memorandum to state the place within the Province at which the registered office is to be situated.

A similar amendment is made to section 17, subsection (1) and section 18.

Section 25, subsection (1) is amended to authorize the publication of a notice of the incorporation rather than a certificate of incorporation.

Section 46 is amended to permit a company to acquire its own shares where (for example) it receives a portion of the assets of another company as a shareholder thereof under a distribution upon the liquidation of that second company, and part of the assets of the second company consists of shares in the first company.

A new section 140a is added to permit Alberta companies to effect amalgamation. Provision is made for the

entering into of an amalgamation agreement which must be submitted to the shareholders of each of the amalgamating companies at a general meeting and then approved by the court. The powers of an amalgamated company are set out and provision is made for new articles of association.

Section 149 is amended. Subsection (1) is amended to give the Registrar discretion in the registration of an extra-provincial company. Subsection (2) is amended to permit the publication of a notice of registration rather than a certificate of registration.

The provision relating to the publication of a notice rather than a certificate comes into force on the 1st day of July, 1959. The remainder of the amendments came into force on the 7th day of April, 1959.

**THE CO-OPERATIVE ASSOCIATIONS ACT  
AMENDMENT ACT**

(Chapter 11)

(Bill 18)

This Act amends *The Co-operative Associations Act*, being chapter 59 of the Revised Statutes.

Section 23, subsection (2) is amended to increase the number of directors that may be appointed under subsection (1) from one-fifth to one-third of the entire number of directors.

Section 37 is repealed and replaced. The new section puts the responsibility for authorizing liquidation in the hands of the association in the first place by requiring a general meeting to be called. If insufficient members appear the directors may authorize a liquidation.

This Act came into force on the 7th day of April, 1959.

**THE COUNTY ACT  
AMENDMENT ACT**

(Chapter 12)

(Bill 48)

This Act amends *The County Act*, being chapter 64 of the Revised Statutes.

Section 4, subsection (1) is amended

by striking out the word "rural" in clause (a1).

Section 5 is amended by adding a subsection (3) authorizing the Minister to add or remove from the county, for school administrative purposes only, a school district situate outside the boundaries of the county.

Section 17, subsection (1) is amended to add a reference to a school district included in a county for school administrative purposes.

Section 17a is revised for greater clarity.

Section 17b is amended by adding immediately at the end thereof the words "where reference is made to representation on the school committee".

The amendment in section 17, subsection (1) is applicable on and after the 15th day of September, 1959.

The Act came into force on the 7th day of April, 1959, and the amendment to section 17b is retroactive to the 14th day of April, 1958.

**THE CREDIT UNION ACT  
AMENDMENT ACT**

(Chapter 13)

(Bill 106)

This Act amends *The Credit Union Act*, being chapter 67 of the Revised Statutes.

Section 3 is repealed.

Subsection (2) of section 12 is struck out.

Section 13 is rewritten for greater clarity.

Section 14 is amended by substituting the word "dividends" for the word "interest".

Subsection (2) of section 15 is struck out.

A new section 17a authorizes a member of a credit union who appears in person at the office of the credit union to withdraw moneys standing to his credit in share or deposit accounts. This is subject to sections 53 and 63 in the standard by-laws.

Section 19 is amended. Subsection (1), clause (e) is replaced. The new clause authorizes every credit union to invest in the paid-up shares of such other credit unions as are approved for that purpose by the Supervisor. The amount payable under clause (j) is increased from \$500 to \$1500. A new subsection (3) authorizes the practice of using chequeing systems. This is subject to the standard by-laws and the consent of the Supervisor.

Section 23 is amended to require that the meeting be held on a day not less than ten days nor more than thirty days after the date of the notice.

Section 28, subsection (1) is amended by adding a clause (f1) stating that it is one of the duties of the board of directors of a credit union to appoint any committee required to be appointed or directed to be appointed by the Supervisor.

Section 29, subsection (1) is amended to make its provisions subject to sections 32 and 33 as well as section 34.

The reference to "credit committee" in section 31 is changed to a reference to "credit union".

A new section 31a makes it mandatory to take a promissory note in respect of each loan granted.

Subsection (3) of section 32 is revised for greater clarity.

A new section 32a authorizes the making of immediate loans by a loan officer. With the consent of the Supervisor the board of directors may appoint the manager or treasurer of the credit union as loan officer with authority to make immediate loans to members without first obtaining the approval of the credit committee, but no loan may be made in excess of the value of the unencumbered portion of an applicant's shares. The loan officer is required to report the loan at the next regular meeting of the credit committee and the credit committee is required to ratify the action of the loan officer. The Supervisor may withdraw his consent at any time.

Section 33 is rewritten for greater clarity.

A subsection (3) is added to section

34 making the section not applicable to loans by a credit union whose voting membership is composed exclusively of corporate bodies.

An amendment to section 36 states that interest on loans shall not be compounded at any time.

Section 39 is amended. In subsection (1), clause (b) the words "if those voting in the affirmative represent a majority of the shares issued" are struck out. Subsection (2) is amended to restrict the amount that may be borrowed without the consent of the Supervisor to the amount of the market value of its capital investments in excess of all statutory reserves. A new subsection (3) prohibits any credit union from incurring overdrafts.

Section 41 is amended. A new subsection (2) is the present section 43 moved to the section dealing with the fund to which it relates. Section 43 is repealed. Subsection (4) added to section 41 provides that where a credit union is participating in a stabilization fund established pursuant to section 79, a sum not exceeding five per cent of the net earnings may be paid into the stabilization fund and the allocation to the reserve fund under subsection (1) may be reduced by a like amount.

Section 41a is added authorizing the board of directors to establish and maintain reserve funds against possible withdrawals from the share and deposit accounts of members.

Section 42 is amended to make it applicable to reserve funds established under section 41a as well as the fund established under section 41. Clause (b) is amended to refer to any investment authorized under clauses (e) and (f) of subsection (1) of section 19.

Section 45 is amended. A new subsection (1a) states that the members present at the annual meeting may not increase the dividend recommended but may, upon a two-thirds majority vote, reduce the dividend. A new subsection (3) provides that where a dividend of not less than three per cent is authorized under this section the board may, if the surplus so permits, declare and allot a rebate of interest paid on the loans of all members during the preceding fiscal year.

Section 48 dealing with the nature of membership in a credit union is changed to refer to persons within a well defined neighborhood rather than groups within a well defined neighborhood.

Section 50 is amended to provide in addition that no minor under the age of eighteen years shall be permitted to vote upon any resolution pertaining to the expenditure or borrowing of any money.

Section 58 is amended to reverse the procedure set out so that the liquidation proceedings will be carried out before the cancellation of the incorporation rather than after.

Section 67, subsection (3) is amended to require the annual audit of the credit union to be conducted in a manner approved by the Supervisor.

Section 72 is amended. Subsection (1) is struck out and replaced. The new provision states that a credit union whose financial position enables it to return to its members in full the moneys standing to their credit may be dissolved by a resolution, passed at a general meeting of which ten days' notice has been given, and passed by a majority of not less than three-fourths of the votes cast by the members entitled to vote and present. Subsection (2) is amended to provide that instead of the instrument of dissolution a financial statement setting forth the details shall be prepared prior to the passing of the resolution under subsection (1). A new subsection (5) directs the Supervisor when he is satisfied that all claims have been met to notify the Registrar and cancel the incorporation.

Section 73, subsection (3) is amended to provide that the Registrar shall, upon receipt of a statement of the affairs of the credit union from the Supervisor, strike the name of the credit union off the register.

Section 75 is struck out and a new section 75 is substituted which incorporates provisions relating to liquidation similar to those found in *The Co-operative Associations Act*.

A subsection (3) is added to section 79 enabling a federation that includes sixty per cent or more of the credit

unions in the Province to establish, with the consent of the Supervisor, and administer a stabilization fund for the purpose of providing financial aid to credit unions.

This Act came into force on the 7th day of April, 1959.

**THE ALBERTA REGISTERED DIETITIANS  
ASSOCIATION ACT**

(Chapter 14)

(Bill 37)

This Act which is cited as "*The Alberta Registered Dietitians Association Act*" incorporates the Alberta Registered Dietitians Association in a manner similar to other associations such as physiotherapists, registered nurses, etc. Provision is made for a governing council who have power to make by-laws subject to the approval of the Lieutenant Governor in Council. The academic standing in the examination of candidates for admission to membership is under the control of the University of Alberta. Members are to be issued certificates of registration and power to suspend or expel members is given. Only members of the association have the right to use the designation "registered dietitian" or any abbreviations, etc., that imply that the person is registered under this Act as a member of the association.

This Act came into force on the 7th day of April, 1959.

**THE ARTIFICIAL INSEMINATION OF DOMESTIC  
ANIMALS ACT**

(Chapter 15)

(Bill 77)

This Act cited as "*The Artificial Insemination of Domestic Animals Act*" gives authority to regulate persons commercially engaged in all aspects of artificial insemination of domestic animals. The Lieutenant Governor in Council may make regulations providing for the licensing of semen producing businesses, semen banks, inseminating businesses and technicians. Power is given to prescribe qualifications for technicians, minimum standards of sanitation and equipment and generally regulating the operations of persons engaged in artificial insemina-

tion. The Act does not apply to a person engaged in the artificial insemination of his own animals.

This Act came into force on the 7th day of April, 1959.

**DEPARTMENT OF ECONOMIC AFFAIRS ACT  
REPEAL ACT**

(Changes in References)

(Chapter 16)

(Bill 64)

This Act repeals *The Department of Economic Affairs Act*, being chapter 93 of the Revised Statutes. The references in the following Acts to the Minister of Economic Affairs and the Department of Economic Affairs are replaced with references to the Minister charged with the administration of the Act and the department of the public service over which the Minister presides. The Acts are *The Cultural Development Act*, *The Economic Research Bureau Act*, *The Geographical Names Act*, *The Housing Act*, *The Industrial Development Act*, and *The Alberta General Insurance Company Act*.

The repeal of *The Department of Economic Affairs Act* is effective on a date to be fixed by proclamation. The other changes made by this Act came into force on the 7th day of April, 1959.

**THE FEDERAL-PROVINCIAL FARM ASSISTANCE ACT**

(Chapter 17)

(Bill 91)

This Act cited as "The Federal-Provincial Farm Assistance Act" authorizes the government of Alberta to enter into agreements with the Government of Canada for the purpose of obtaining for Alberta the benefits of any arrangements or proposals of Canada relating to farm land use and conservation, including irrigation and water development, farm credit and crop insurance. Where any such agreement requires the modification or amendment of any existing legislation in force in Alberta, the agreement is to be made subject to validation at the next ensuing session of the Legislature.

This Act came into force on the 7th day of April, 1959.

**THE FARM HOME IMPROVEMENTS ACT**  
(Chapter 18)  
(Bill 58)

This Act cited as "*The Farm Home Improvements Act*" provides a guarantee by the Province to chartered banks and treasury branches on loans made to farmers for the purpose of improving the farm home up to 50% of the amount of any loss on the loan. The loans must not exceed \$2,000 at 5% simple interest and must be repayable by at least \$100 a year and in ten years. The improvements must be checked and approved by a person designated by the Minister of Agriculture.

This Act came into force on the 7th day of April, 1959.

**THE FARM PURCHASE CREDIT ACT  
AMENDMENT ACT**

(Chapter 19)

(Bill 71)

This Act amends *The Farm Purchase Credit Act*, being chapter 23 of the Statutes of Alberta, 1957.

Section 9, subsection (2) is amended to reduce the municipal guarantee from 20% to 10% of any loss.

Section 10, subsection (4) is amended by striking out clause (i).

Section 19 is amended to change the restrictions on loans. Subsection (2) is rewritten so that no loan from the Fund may be made where the value of the land to be purchased together with the value of land already owned by the applicant is in excess of \$30,000. Subsection (3) is amended to increase the maximum loan to \$10,000 or 50% of the purchase price, whichever is the lesser.

Section 20 is amended to revise the procedure for paying the vendor. Subsections (2), (3), (4) and (5) are struck out. Under the new provisions the board is to pay the vendor the amount of the down payment upon title being registered in the land titles office, the amount of the loan as soon as it is

advanced from the Fund and the balance of the sale price according to agreement. The money is to be advanced from the Fund only when the Provincial Treasurer receives the promissory note of the board and satisfactory proof that the title is registered in the name of the Farm Purchase Board free and clear of all encumbrances.

Section 23 is amended. A new subsection (1) and subsection (1a) require the Provincial Treasurer to establish a Farm Purchase Assurance Fund and to deposit therein on receipt from the board 4% of every instalment of principal and interest payable to a vendor pursuant to section 24. This money is to be paid to the vendor when all moneys due to the vendor have been received by the board.

Section 24 is replaced by a new section providing that the moneys received by a board are to be applied firstly to the payment of the vendor and until the vendor has been paid in full none of the moneys received is to be applied to the repayment of the loan under this Act. This section is made applicable to existing agreements.

Section 28, clause (a) is revised to provide that no assignment of any agreement may be made to a person who is not qualified and approved as a purchaser under this Act.

Section 30, subsection (1) is amended to increase the provincial guarantee to vendors from 70% to 90% of any loss sustained.

A new section 33a authorizes the Minister to insure debtors.

This Act came into force on the 7th day of April, 1959.

**THE FEEDER ASSOCIATIONS GUARANTEE ACT  
AMENDMENT ACT**  
**(Chapter 20)**  
**(Bill 85)**

This Act amends *The Feeder Associations Guarantee Act*, being chapter 112 of the Revised Statutes.

Section 3, subsection (5) is revised to allow loans to be guaranteed up to a total of \$200,000 for each feeder association.

This Act came into force on the 7th day of April, 1959.

**THE FISHERY ACT  
AMENDMENT ACT**

(Chapter 21)

(Bill 39)

This Act amends *The Fishery Act*, being chapter 116 of the Revised Statutes.

The Superintendent of Commercial Fisheries is substituted for the Fish and Game Commissioner who will be in charge of the administration of commercial fishing.

Section 2 is amended to remove the definition of "Commissioner" and to substitute the definition of "Superintendent". References in sections 4 and 5, 10, 11, 12 and 26 are changed accordingly. Subsections (1) and (2) of section 4 are replaced with new provisions charging the Superintendent with the administration of this Act and the supervision of the Commercial Fisheries Branch.

This Act came into force on the 7th day of April, 1959.

**THE FOREST RESERVES ACT  
AMENDMENT ACT**

(Chapter 22)

(Bill 47)

This Act amends *The Forests Reserves Act*, being chapter 119 of the Revised Statutes.

Definition of "forest officer" in section 2 is changed to mean a forest officer appointed under this Act or *The Forests Act*.

Section 4 is repealed and replaced with a section that authorizes the Minister to appoint such forest officers and other employees as are necessary to carry out the provisions of this Act.

Section 8, subsection (1) is amended to require disposition of public lands within a forest reserve to be authorized by regulations rather than the written consent of the Minister as formerly.

Section 10 is amended. Subsection (1) is amended by striking out clauses (b), (r) and (s). Subsections (2) and (3) are replaced by a subsection (2) requiring all the regula-

tions to be laid before the Assembly within fifteen days after the opening of the next session following the publication in the *Gazette*.

Section 27 is amended by striking out subsections (2), (3) and (4).

Section 28 is repealed and subsection (2) of section 35 is repealed.

This Act came into force on the 7th day of April, 1959.

**THE FORESTS ACT  
AMENDMENT ACT**

(Chapter 23)

(Bill 38)

This Act amends *The Forests Act*, being chapter 118 of the Revised Statutes.

Section 5 is amended to rename the Forests Division as the Alberta Forest Service. Sections 6, 7 and 95 are amended accordingly to change references to the Alberta Forest Service. Section 131, subsections (1) and (2) are struck out and replaced by a new subsection (1) which authorizes a forest officer or fire guardian in the event of prairie, ground or forest fire to direct any male person between the ages of 16 and 60 to proceed to the fire and take with them such equipment as they may own or possess and which is necessary to fight the fire. Section 139 is amended to give the power of arrest under this section to a member of the Royal Canadian Mounted Police or a forest officer. Section 156, clause (b) is reworded to conform to the wording used in the new subsection (1) of section 131.

This Act came into force on the 7th day of April, 1959.

**THE GAME ACT AMENDMENT ACT**

(Chapter 24)

(Bill 86)

This Act amends *The Game Act*, being chapter 126 of the Revised Statutes. The office of "Fish and Game Commissioner" is being changed to the office of the "Director of Fish and Wildlife" and the references where they occur throughout the Act are changed. Any references in any regula-

tions made under the Act to the commissioner are to be deemed to be references to the Director.

Section 7 is amended to add a reference to game birds.

Section 10, subsection (4) is amended by substituting the word "chamber" for the word "breech".

Section 17 is revised to enable a licence or permit to be issued to a fourteen or fifteen year old person if the application is made with the consent in writing of the parent or guardian of the person.

Section 25, subsection (1) is revised to remove a duplication in the present clause (e) with section 5.

Section 27, subsection (1) is amended to make it applicable to antlers as well as horns.

Section 30 is revised to set out more clearly the many prohibitions contained therein and add the prohibition against hunting big game with a shotgun using shot shells.

Section 32 is repealed and replaced. The new section requires a non-resident while engaged in hunting big game to be accompanied by a guide holding a Class A or Class B guide's licence when hunting is done in a forest reserve or any part of the Province designated in the regulations. In any other areas of the Province he must be accompanied by a guide licensed pursuant to this Act by a resident of the Province.

Section 33 is amended by substituting a reference to "township 96" for the reference to "township 88" thereby extending part of the boundary of this area 48 miles to the north.

Section 36 is revised for greater clarity.

Section 50 is amended by striking out clause (a) of subsection (1) and by striking out subsection (5).

Section 76 is amended by revising the definition of "premises" contained in subsection (2).

Subsections (2) and (3) of section 93 are replaced. A new provision requires a person to hold a Class B guide's licence for at least three years

before being entitled to a Class A guide's licence. Class A or B licences are to be issued only to a person who meets the examination requirements prescribed by the Minister and the application requires the approval of the game officer.

Section 101 is amended to make it an offence for an outfitter of a party hunting in the area referred to in clause (a) of section 32 to have in his employ a guide who is not the holder of a Class A or Class B licence.

Sections 104 to 109 are repealed.

Section 126, subsection (1) is amended to authorize the Lieutenant Governor in Council to make regulations for the licensing and regulating of big game farms.

Section 142 is repealed.

Section 148, subsection (1) is redrafted to clarify the position of magistrates in dealing with things seized under section 135. Clauses (a) and (b) set out the circumstances under which anything seized is to be confiscated to the Crown. Where there is a plea of guilty the thing seized is to be returned forthwith. Where there is an acquittal or conviction following a plea of not guilty the thing seized is to be held during the time limited for an appeal to the district court. Under the new subsection (1a) the Minister may return the article seized during the appeal.

Section 154 is redrafted for the purposes of clarification. The new provision provides for the cancellation, upon conviction of an offence relating to a licence or permit, of that licence and permit only. The new subsections (4) and (5) prohibit the Minister from reinstating a cancelled licence or permit cancelled upon a conviction under section 74 or any enactment relating to beaver or the pelts or skins of beavers.

Section 162 is redrafted with the result that certain offences formerly carrying a \$50.00 minimum fine now carry a minimum \$25.00 fine. The \$50.00 fine still remains for certain penalties. The Schedule to the Act is struck out.

This Act came into force on the 7th day of April, 1959.

**THE ALBERTA GAS TRUNK LINE COMPANY ACT  
AMENDMENT ACT**

(Chapter 25)

(Bill 104)

This Act amends *The Alberta Gas Trunk Line Company Act*, being chapter 37 of the Statutes of Alberta, 1954.

Section 5 is amended to authorize the company to issue preferred shares with no voting rights in addition to Class A and Class B common shares. This amendment will have the effect of increasing the authorized capital by \$50,-000,000.

New sections 12a and 12b are added. Section 12a gives the Board power to make by-laws governing preferred shares. Section 12b gives power to pay commissions similar to the power given to companies under section 116, subsection (1) of *The Companies Act*.

This Act came into force on the 7th day of April, 1959.

**THE ALBERTA HAIL INSURANCE ACT  
AMENDMENT ACT**

(Chapter 26)

(Bill 23)

This Act amends *The Alberta Hail Insurance Act*, being chapter 137 of the Revised Statutes, by striking out subsection (6) of section 13.

This Act came into force on the 7th day of April, 1959.

**THE HEALTH UNIT ACT  
AMENDMENT ACT**

(Chapter 27)

(Bill 70)

This Act amends *The Health Unit Act*, being chapter 139 of the Revised Statutes.

A new subsection (1a) is added to section 16 providing for an additional grant based on the density of population in the health unit area. The grants vary from twenty-five cents per person where the density is less than one person per square mile to five cents per person where the density is between four and five persons per square mile.

A new section 18a is added providing for the payment of health services in national parks not exceeding \$1.25 per capita.

This Act came into force on the 31st day of March, 1959.

**THE HIGHWAYS DEPARTMENT ACT  
AMENDMENT ACT**

(Chapter 28)

(Bill 109)

This Act amends *The Highways Department Act*, being chapter 140 of the Revised Statutes.

Section 10, subsection (3) is amended to increase the authorized stock advance fund from seven and a half million dollars to eight and a half million dollars.

This Act came into force on the 7th day of April, 1959.

**THE HOMES FOR THE AGED ACT**

(Chapter 29)

(Bill 51)

This Act cited as "*The Homes for the Aged Act*" will replace in part "*The Home for Aged or Infirm Act*". The new Act will confine its benefits to active elderly persons rather than aged and infirm.

Low rental housing units and homes, or both, may be established in a municipality for residents of that municipality alone, or for residents of several co-operating municipalities. These units or homes will be established under a "master agreement" between the Minister and the municipalities concerned. When land is acquired and the units and homes constructed, the units and homes will be turned over to a foundation created by order in council with all the powers necessary to operate and maintain the units or homes on behalf of the parties to the master agreement. The contracting municipalities will share the land acquisition costs, and, if necessary, the operating deficiencies of a foundation. The contracting municipalities will designate

the personnel of the directors of the foundation, while the Minister will provide the physical plant of the low rental units or homes of the foundation.

The Act came into force on April 1st, 1959 and section 5 of *The Home for Aged or Infirm Act* is repealed.

## THE HOSPITAL VOTING ACT

(Chapter 30)

(Bill 110)

This Act makes provision for hospital voting at elections for members of the Assembly in the cities of Calgary and Edmonton. When and if chapter 21 of the Statutes of Alberta, 1957, is proclaimed the present electoral divisions of Edmonton and Calgary will be converted into 16 separate electoral divisions. Consequently, hospital voting in these cities under section 84 of *The Election Act* will be impossible in many cases under the existing requirements. This Act will substitute new rules for such voting should the Act of 1957 be proclaimed in force. The Act provides that where it appears to the Clerk of the Executive Council that not less than ten patients resident in the city in which the hospital is situated who are entitled to vote at the election are in the hospital, the clerk shall notify the returning officer of the electoral division in which the hospital is situate to hold a poll there. During the time fixed for taking a poll the deputy returning officer is required to attend with a single ballot box upon such electors as the superintendent or other person having charge of the hospital certifies in writing under his hand to be *bona fide* patients in the hospital, and well enough to vote. After the close of the polls the deputy returning officer is to count the votes in respect of each electoral division in the manner required by *The Election Act* and to place the votes in respect of each electoral division in separate ballot boxes and personally deliver them to the returning officers of the several electoral divisions. This Act is to be read and construed as forming part of *The Election Act*.

This Act comes into force at the same time as chapter 21 of the Statutes of Alberta, 1957, is proclaimed in force.

## **THE HOSPITALIZATION BENEFITS ACT, 1959**

### **(Chapter 31)**

#### **(Bill 74)**

This Act cited as "The Hospitalization Benefits Act, 1959", repeals and replaces "The Hospitalization Benefits Act", being chapter 30 of the Statutes of 1957. The new Act consolidates the former Act and amendments with certain new provisions required to give better effect to the Hospitalization Agreement with the Government of Canada. In accordance with the Agreement it is provided that a person injured as a result of the wrongful act or omission of another is entitled to recover the cost of the hospital services against that person even though the hospital services may have been paid for pursuant to this Act, and the Minister is entitled to be reimbursed from any moneys so recovered. For the purposes of more effectively carrying out the provisions of this Act it also amends *The Municipal Hospitals Act*, being chapter 216 of the Revised Statutes. The functions exercised by the Board of Public Utility Commissioners under that Act are transferred to the Lieutenant Governor in Council or to the Minister.

This Act came into force on the 1st day of April, 1959, and the provision dealing with the recovery of the cost of hospital services as damages is made retroactive to the 1st day of April, 1958.

## **THE HOSPITALS ACT**

### **AMENDMENT ACT**

#### **(Chapter 32)**

#### **(Bill 80)**

This Act amends *The Hospitals Act*, being chapter 147 of the Revised Statutes.

Section 2 is amended by revising the definition of "approved hospital" to mean a hospital designated as such by the Lieutenant Governor in Council. The definition "per diem" allowance is struck out.

Sections 3, 4 and 5 are repealed and replaced. The new section 3 authorizes the Lieutenant Governor in Council to make regulations designating hospitals as approved hospitals, and regulations governing appointment, dismissal or

suspension of the medical staff of the hospital, the organization and duties of the staff within the hospital. Regulations may also be made prescribing the standards of service to be made available in the hospitals. The new section 4 authorizes the Minister or any official of the Department of Public Health authorized by the Minister to obtain access to any hospital charts and records for the purpose of assessing the standard of service available in any hospital, and improving surgical techniques. The information is to be treated as confidential but the Minister may use the information for compiling statistical data. A new section 5 authorizes the Lieutenant Governor in Council to establish model by-laws, rules and regulations for adoption by approved hospitals.

This Act came into force on the 7th day of April, 1959.

**THE IMPROVEMENT DISTRICTS ACT  
AMENDMENT ACT**

(Chapter 33)

(Bill 81)

This Act amends *The Improvement Districts Act*, being chapter 150 of the Revised Statutes.

Section 2 is amended to add a definition of "mobile home".

A new section 9a is added authorizing a tax on certain oil well drilling equipment.

A new section 13a is added authorizing the licensing of mobile homes in an improvement district similar to the authority given in the other municipal Acts.

Section 43 is amended by replacing subsection (4). The new subsection authorizes the Minister to provide water supply service and fire fighting equipment to hamlets and provides for a special levy on hamlet property in respect thereof.

A new section 44b is added authorizing the Minister to enter into an agreement with farmers' organizations for the collection of dues, on a voluntary basis, by the Department.

This Act came into force on the 1st day of April, 1959, and the new section 9a is made retroactive to January 1st, 1959.

**THE INDUSTRIAL WAGES SECURITY ACT  
AMENDMENT ACT**

(Chapter 34)

(Bill 98)

This Act amends *The Industrial Wages Security Act*, being chapter 155 of the Revised Statutes by changing the references in section 8, subsections (1), (2), (3) and (4) from the "Board of Public Utility Commissioners" to the "Provincial Auditor"; thereby transferring these functions to the Provincial Auditor.

This Act came into force on the 7th day of April, 1959.

**INDUSTRIES AND LABOUR REFERENCES ACT**

(Chapter 35)

(Bill 41)

This Act amends fifteen Statutes in which there are references to the Minister of Industries and Labour or the Department of Industries and Labour. By these amendments the reference to the specific Minister and Department are struck out and a reference to the member of the Executive Council charged with the administration of the particular Act is substituted. The Acts amended are as follows:

*The Apprenticeship Act, The Billiard Rooms and Bowling Alleys Act, The Building Associations Act, The Co-operative Associations Act, The Credit Union Act, The Fire Department Platoon Act, The Fuel Oil Licensing Act, The Fuel Oil Tax Act, The Alberta Labour Act, The Licensing of Trades and Businesses Act, The Alberta Marketing Act, The Police Act, The Power Commission Act, The Sale of Chattels by Public Auction Act, and The Trade Schools Regulation Act.*

This Act came into force on the 7th day of April, 1959.

**THE INDUSTRIES AND LABOUR DEPARTMENT  
ACT AMENDMENT ACT**

(Chapter 36)

(Bill 53)

This Act changes the name of and the references thereto in this Act of the present Department of Industries and Labour to the Department of Industry and Development. The long title, the short title, and sections 2 and 3 are amended to change the references.

This Act comes into force on a date to be fixed by proclamation.

**THE INFANTS ACT  
AMENDMENT ACT**

(Chapter 37)

(Bill 13)

This Act amends *The Infants Act*, being chapter 158 of the Revised Statutes, by adding a new section 16 which makes provision for a method of making binding settlements in the case of infants claiming by guardian or next friend for injury to the infant.

This Act came into force on the 7th day of April, 1959.

**THE ALBERTA INSURANCE ACT  
AMENDMENT ACT**

(Chapter 38)

(Bill 35)

This Act amends *The Alberta Insurance Act*, being chapter 159 of the Revised Statutes.

Section 91 is repealed and replaced with a new section setting out in greater detail the powers of Alberta insurance companies to invest their funds. The powers are similar to those given insurance companies incorporated elsewhere in Canada.

Section 158 is repealed as the matter is now covered in the new section 91, subsection (10).

Section 206, subsection (1) is amended by adding a clause (d) in the fire insurance part inapplicable to nuclear risks insured by a pool of insurers or by an insurer as a nuclear risk.

Section 206a is amended by striking out subsection (2).

Section 211 is revised for greater clarity.

Section 213 is amended by adding a subsection (4a) providing that nothing in subsection (4) is to be construed to have the effect of increasing the *pro rata* contributions of an insurer under a contract that is not subject to a deductible clause.

Section 216 is repealed.

Section 376, clause (b) is amended to increase the maximum amount referred to therein from \$5,000 to \$10,000.

Section 377, clause (d) is amended to increase the amount referred to therein from \$5,000 to \$10,000.

Schedule C is amended by striking out Form A.

Schedule D is amended. A new clause is added to subsection (1) of statutory condition 2 providing that the insured is not to drive or operate the automobile while his driver's licence is suspended or while he is prohibited under order of a court from driving. Subsection (2) of statutory condition 2 is amended to provide that the insured must not permit any person to use the automobile while that person's licence is suspended or while that person is prohibited under order of a court from driving or operating an automobile.

The amendments to Schedule D come into force on a date to be fixed by proclamation. The remainder of the amendments came into force on the 7th day of April, 1959.

**THE INTERPRETATION ACT, 1958  
AMENDMENT ACT**

(Chapter 39)

(Bill 15)

This Act amends *The Interpretation Act, 1958*, being chapter 32 of the Statutes of Alberta, 1958.

Section 18a is added providing that unless a contrary intention appears in any enactment, where an enactment requires any document to be served by mail, service shall be deemed to be

effected by properly addressing, prepaying and posting a letter containing the document and, unless the contrary is proved, to be effected at the time at which the letter would have been delivered in the ordinary course of mail.

This Act came into force on the 7th day of April, 1959.

**THE JUDICATURE ACT  
AMENDMENT ACT**

(Chapter 40)

(Bill 84)

This Act amends *The Judicature Act*, being chapter 164 of the Revised Statutes to increase the number of judges authorized for the Trial Division of the Supreme Court from six to eight.

This Act came into force on the 31st day of March, 1959.

**THE JURY ACT AMENDMENT ACT**

(Chapter 41)

(Bill 12)

This Act amends *The Jury Act*, being chapter 165 of the Revised Statutes by replacing subsections (11) and (12) of section 19. The amendments extend the list of persons who may substitute for clerks, sheriffs and their employees in the jury panel selection procedure.

This Act came into force on the 7th day of April, 1959.

**THE DEPARTMENT OF LABOUR ACT**

(Chapter 42)

(Bill 65)

This Act cited as "*The Department of Labour Act*" provides for the establishment of a new department within the Public Service under the direction of a Minister charged with the administration of the laws of the Province affecting labour and labour management. The Minister is to promote and assist in maintaining proper labour management relations, to promote and encourage the training of qualified workmen in accordance with any approved training plan for the training of workmen and perform such other

functions as may from time to time be assigned by the Minister.

This Act comes into force on a date to be fixed by proclamation.

**THE LEGAL PROFESSION ACT  
AMENDMENT ACT**

(Chapter 43)

(Bill 99)

This Act amends *The Legal Profession Act*, being chapter 173 of the Revised Statutes.

Section 30, subsection (1) is amended to empower the benchers to make rules respecting the books, records, etc., required to be maintained by members with respect to trust funds, and the furnishing of evidence that such books are being kept in accordance with the rules of the Society. Regulations may also be made respecting the suspension from practice of any member for contravention of any rules of the Society.

The new section 56a enables the Society to apply for an order to seize the property of a suspended, disbarred or mentally incompetent member or of a member who has deserted his practice or died and to notify the clients of such member of the circumstances.

A new subsection (2) to section 57 gives express authority to publish notices of a disbarment or suspension and provides express protection from defamation or other actions therefor.

This Act came into force on the 7th day of April, 1959.

**THE LEGISLATIVE ASSEMBLY ACT  
AMENDMENT ACT**

(Chapter 44)

(Bill 108)

This Act amends *The Legislative Assembly Act*, being chapter 174 of the Revised Statutes, in accordance with the recommendations of the special committee of the Assembly set up on the 11th of February, 1959, by extending the boundaries of the electoral divisions of Calgary North East, Calgary Glenmore, Calgary South East, Strathcona East, Strathcona Centre, Strathcona West, to correspond with

the corporate boundaries of the City of Calgary or the City of Edmonton, as the case may be. The various electoral divisions within the City of Calgary and within the City of Edmonton were enacted by chapter 41 of the Statutes of Alberta, 1957. This latter statute does not come into force until a date to be fixed by Proclamation and as it has not yet been proclaimed in force the amendments were made to chapter 41 of the Statutes of 1957. The boundaries of the Electoral Divisions of Banff-Cochrane, Clover Bar, and Gleichen are revised to remove the areas included in the city constituencies set out above.

This Act comes into force at the same time as chapter 41 of the Statutes of Alberta, 1957, is proclaimed in force.

**THE LIQUOR CONTROL ACT, 1958, and**

**THE LIQUOR LICENSING ACT**

**AMENDMENT ACTS**

(Chapter 45)

(Bill 94)

Part I of this Act amends *The Liquor Control Act, 1958*, being chapter 37 of the Statutes of Alberta, 1958.

Section 42 of this Act is amended to remove the requirement that the liquor bottle be stamped, marked or sealed by the liquor board or commission in any other province or territory. This amendment is made because many liquor boards are discontinuing the use of seals and stamps.

A new section 72a is added giving the board power to regulate and control representatives of distillers, brewers and wine-makers. No person is entitled to directly or indirectly hold himself out as an agent unless he is registered with the Board as a representative of such distiller, brewer or wine-maker.

Section 77 of this Act is amended to remove the necessity that the package containing the liquor must have been sealed with such official seal as may be prescribed. It may now be sealed in other manners.

A similar amendment is made in section 78, subsection (1). These amendments are made to enable the

Board to discontinue the use of seals if it should be considered desirable.

A subsection (3) is added to section 82 prohibiting any person under twenty-one years of age to enter, be in or remain in a liquor store unless accompanied by a parent or guardian.

Section 83, subsection (2) is amended to make it also an offence to supply as well as sell liquor to a person who is apparently under twenty-one.

For the purposes of clarification section 90, subsection (1), clause (f) is amended by specifically relating the advertisement referred to in subclause (i) to advertisement of or concerning liquor.

Part II of this Act amends *The Liquor Licensing Act*, being chapter 38 of the Statutes of Alberta, 1958.

Section 49 of this Act is amended by adding a subsection (2) authorizing the Board to waive requirements of paragraphs (A) and (B) of subclause (iv) of clause (b) of subsection (1) in any case where in the opinion of the Board special circumstances exist.

Section 71, subsection (3) is revised to give the Board greater flexibility in fixing the hours in which various premises may remain open.

Section 76, subsection (1) is revised for greater clarity by striking out the word "licensed" in clause (a) and in clause (b) and by substituting the words "combined dining facilities and licensed premises of the operator thereof" for the words "combined premises".

Section 88, subsection (1) of this Act is amended to make it clear that one local option area could encompass areas of more than one municipality.

Section 95 is amended by striking out the question set out in clause (d) of subsection (1) which has caused some difficulty by its unfortunate wording and by striking out subsections (2) and (3).

This Act came into force on the 7th day of April, 1959, and the amendments to section 88 are applicable to local option areas designated after the commencement of this Act.

**THE ALBERTA LIVESTOCK AND LIVESTOCK  
PRODUCTS ACT AMENDMENT ACT**

(Chapter 46)

(Bill 28)

This Act amends *The Alberta Livestock and Livestock Products Act*, being chapter 181 of the Revised Statutes to provide that a prosecution under section 17 may be commenced within two years of the commission of the alleged offence.

This Act came into force on the 7th day of April, 1959.

**THE MAGISTRATES AND JUSTICES ACT  
AMENDMENT ACT**

(Chapter 47)

(Bill 14)

This Act amends *The Magistrates and Justices Act*, being chapter 186 of the Revised Statutes. A new section 16 is added that authorizes the Lieutenant Governor in Council to make regulations providing for the safe-keeping, inspection and destruction of documents of magistrates and justices.

This Act comes into force on the 7th day of April, 1959.

**THE MASTERS AND SERVANTS ACT  
AMENDMENT ACT**

(Chapter 48)

(Bill 22)

This Act amends *The Masters and Servants Act*, being chapter 194 of the Revised Statutes by adding subsections (2), (3) and (4) to section 8. These provisions provide that when an order is filed with the clerk of the district court it has the same force and effect as a judgment of the district court and any process after judgment may issue thereon. Where a seizure is made upon order and execution under this section the debtor is entitled only to the exemptions allowed under section 3 of *The Exemptions Act* in the case of a distress for rent by a landlord.

This Act came into force on the 7th day of April, 1959.

**THE CITY OF MEDICINE HAT GAS PURCHASE  
ACT**

(Chapter 49)

(Bill 102)

This Act cited as "*The City of Medicine Hat Gas Purchase Act*" empowers the City of Medicine Hat to acquire natural gas from and within the Etzikom field for the purposes of the city and its gas distribution system. The city is authorized to acquire gas *in situ* by purchase of a freehold and to acquire such well equipment, lands, buildings, pipe line systems, etc., as may be required. The city is authorized to borrow moneys for this purpose in a like manner as borrowing may be done under Part X of *The City Act*.

This Act came into force on the 7th day of April, 1959.

**THE MENTAL DEFECTIVES ACT  
AMENDMENT ACT**

(Chapter 50)

(Bill 50)

This Act amends *The Mental Defectives Act*, being chapter 199 of the Revised Statutes.

Section 15, subsection (1) is amended by replacing clause (e) to provide that where the mentally defective person is under twenty-one years of age the charge payable by the municipality is fifty cents a day for each day the person is in the institution.

A new section 15a is added providing that where a charge for maintenance is not payable by the municipality under section 15, a charge may be made against the estate of the mentally defective person, in an amount to be set by the Lieutenant Governor in Council. The Minister is given authority to waive the recovery of such charges where he deems the circumstances proper.

This Act came into force on the 31st day of March, 1959.

**THE MENTAL DISEASES ACT  
AMENDMENT ACT**

(Chapter 51)

(Bill 36)

This Act amends *The Mental Diseases Act*, being chapter 200 of the Revised Statutes.

A Part III is added to the Act to provide for the establishment of emotionally disturbed children's wards, to which emotionally disturbed children may be admitted upon the request of a medical practitioner with the consent of the parent or guardian of the child. Provision is made for the retention and discharge of the children from the ward.

This Act came into force on the 1st day of April, 1959.

**THE MINES AND MINERALS ACT  
AMENDMENT ACT**

(Chapter 52)

(Bill 79)

This Act amends *The Mines and Minerals Act*, being chapter 204 of the Revised Statutes, to provide new Forms E, F or G in the place of the Form E presently found in the Schedule and section 295 is amended to change the reference accordingly. Changes are made for the purposes of clarification and to aid in eliminating transfers being returned for corrections. The new forms are those of a Transfer of Agreement, a Transfer of a Specified Undivided Interest in Agreement and a Transfer of a Portion of The Location Contained in an Agreement.

This Act comes into force on the 1st day of July, 1959.

**THE MOBILE EQUIPMENT LICENSING ACT**

(Chapter 53)

(Bill 76)

This Act cited as "*The Mobile Equipment Licensing Act*" repeals and replaces *The Mobile Construction Equipment Licensing Act, 1957* and *The Seismographic Recording and Drilling Equipment Licensing Act, 1957*. This Act combines the almost identical provisions of those two Acts into one Act for better administration. The definition of "mobile construction equipment" and "seismographic recording and drilling equipment" are replaced by a definition of "mobile equipment". The new definition is somewhat broader in scope than the former definitions and results in more types of equipment being subject to licensing under this Act. The

Lieutenant Governor in Council is given power to prescribe the procedure for establishing licensing fees in place of the fixed form that is set out in the repealed Acts. Other than these changes provisions of the new Act are practically identical in intent with those of the former Acts.

This Act comes into force on the 1st day of January, 1960.

**THE MOBILE HOMES LICENSING ACT  
REPEAL ACT**

(Chapter 54)

(Bill 72)

This Act repeals *The Mobile Homes Licensing Act*, being chapter 53 of the Statutes of Alberta, 1957. The provisions relating to the supplying of information by municipalities and the distribution of licence fee moneys to the municipalities are to be given effect to until all money received from licence fees is distributed.

This Act comes into force on the 1st day of April, 1959.

**THE MUNICIPAL DISTRICT ACT  
AMENDMENT ACT**

(Chapter 55)

(Bill 73)

This Act amends *The Municipal District Act*, being chapter 215 of the Revised Statutes.

Section 2 is amended by striking out the definition of "felony" and by adding a definition of "mobile home".

Section 55, subsection (7) is amended to the effect that where in any year two or more persons hold the office of councillor the total days for which all of such councillors are paid shall not exceed the days set out in clauses (a) and (b).

Section 57, subsection (1) is amended by replacing clause (a). The new clause (a) refers to a member of the council who is convicted of a criminal offence punishable by death or by imprisonment for more than two years.

Section 68 is amended to enable the Minister to permit an auditor to omit the statement referred to in subsection (4).

Sections 204 and 205 are repealed.

A new section 211a is added requiring the preparation of a list of proprietary electors from the latest assessment roll in respect of which the council may, until the eighth day before the next date fixed for voting on a by-law, remove or add names.

Sections 214, 215 and 216 are struck out and replaced by a new section 214 providing that at the voting on a by-law, the deputy returning officer shall satisfy himself that the name of each person who presents himself is on the list of proprietary electors prepared pursuant to section 211a.

A new section 220a is added providing that sections 136 to 194 apply, *mutatis mutandis*, to the proceedings under sections 207 to 219.

Section 248, subsection (1), clause (e) is amended to add a reference to pits, sand pits or barrow pits.

Section 250 is amended to make it inapplicable to counties.

A new section 274a is added authorizing the council to pass by-laws to establish and maintain rural fire protection areas.

Section 295, subsection (1) is amended to authorize a council to grant aid to any organization that operates a summer camp and provides recreational, educational or camping facilities.

A new section 323a is added to authorize the council to licence mobile homes situate within the municipal district. The licence fee is not to exceed \$90 per year. A partial refund may be obtained if the mobile home leaves the municipality during a year. Licensed mobile homes are not liable to assessment under *The Assessment Act*.

A new section 326b is added authorizing a council by by-law to provide for a recreation program, to expend such money required and to enter into agreement with other municipalities to provide for the joint operation and management of a recreational program.

A new section 345a is added authorizing the taxing of certain oil well drilling equipment that was previously taxed as personal property by municipal districts before the personal property tax was done away with.

A new section 374a is added providing that no person is entitled to any abatement of taxes in respect of property that subsequent to assessment had been damaged or destroyed by fire or otherwise but the council may, with the approval of the Minister, pass a by-law for the purpose of remitting such proportion of the taxes as the council deems proper.

Section 382, subsection (2) is amended by replacing clause (c). The new clause provides that the by-law shall be governed by section 251 except that the ten thousand dollar or five mill limit referred to in subsection (1) of section 251 does not apply and when a vote of the proprietary electors is required the by-law shall not be passed until it is approved.

Section 23 of the amending Act quiets certain titles to land and minerals concerned in tax recovery proceedings between the years 1930 and 1947 in municipal districts.

This Act came into force on the 7th day of April, 1959, but the new sections 345a and 374a are made retroactive to the 1st day of January, 1959. The new section 323a is effective on and after the 1st day of April, 1959.

## THE ALBERTA MUNICIPAL FINANCING CORPORATION ACT AMENDMENT ACT

(Chapter 56)

(Bill 68)

The definition of "municipality" in section 2 is amended. The purpose of the amendment is to increase the provincial bodies that may use the corporation to include school districts and divisions, municipal hospital districts, irrigation and drainage districts.

Section 10 is amended to provide that the allotment of shares to school districts, school divisions, hospital districts, irrigation districts and drainage districts shall be one Class B common share to each such district or division.

Section 30 is amended. A new subsection (2a) is added authorizing the signature referred to in subsection (2) to be engraved, lithographed or otherwise mechanically reproduced. Subsection (3) is amended to increase the

limit of the Provincial guarantee to one hundred and twenty-five million dollars.

This Act came into force on the 31st day of March, 1959.

**THE MUNICIPALITIES ASSESSMENT AND EQUALIZATION ACT AMENDMENT ACT**

(Chapter 57)

(Bill 60)

This Act amends *The Municipalities Assessment and Equalization Act*, being chapter 61 of the Statutes of Alberta, 1957.

Section 2 is amended by replacing the definition of "equalized assessment" and by adding a new definition of "rateable lands".

Section 8 is amended by adding a subsection (3a) providing that in the case of a general re-assessment of all or any part of a city, fifty per cent of the cost of any assistance given under subsection (3) shall be borne by the Department of Municipal Affairs and the remaining fifty per cent shall be paid by the city.

Section 9, subsection (1) is amended to provide that only the Commissioner and not an inspector of assessments may cancel the assessment of any assessed parcel or property and make a new assessment.

Section 13 is amended. Subsection (1) is amended by striking out clause (b) and by substituting a new clause providing an appeal from an order made by the Commissioner establishing an assessment or valuation of any parcel. Subsection (2) is replaced by a new subsection providing that an appeal from assessment made by the Supervisor or an order made by the Commissioner establishing assessment or valuation shall be made on written notice to the Alberta Assessment Appeal Board within thirty days after the sending out of the notice of assessment or order. Subsection (3) is amended by striking out the reference to "inspector of assessments".

Section 21 is repealed and replaced by a new section revising the provisions as a result of the change in the meaning of "equalized assessment".

Section 22, subsection (2) is amended by correcting the reference from subsection (4) to subsection (3) of section 21.

A new section 30a is added authorizing the Alberta Assessment Equalization Board to establish an amount that a municipality can report in its certificate of assessment for requisition purposes, in lieu of the taxable assessment.

This Act came into force on the 7th day of April, 1959, and is retroactive to the first day of January, 1959.

**THE NEW TOWNS ACT  
AMENDMENT ACT**

(Chapter 58)

(Bill 42)

This Act amends *The New Towns Act*, being chapter 39 of the Statutes of Alberta, 1956.

Section 12 is struck out and replaced. The new section is similar in intent to the old one except that it removes the restrictive requirement of a joint recommendation of the Board of Public Utility Commissioners and the Provincial Planning Advisory Board for the establishment of a new town. Provision is also added for the dissolution of a new town.

Section 23, subsection (3) is amended to change the date by which the financial program must be submitted to the Board of Public Utility Commissioners from the 28th of February to the 15th of April.

This Act came into force on the 7th day of April, 1959.

**THE OIL AND GAS CONSERVATION ACT  
AMENDMENT ACT**

(Chapter 59)

(Bill 97)

This Act amends *The Oil and Gas Conservation Act*, being chapter 63 of the Statutes of Alberta, 1957.

Section 2, clause (s) is amended to make it clear that a drilling to obtain water to inject in an underground formation is not within the meaning of a "test hole".

Section 5 is amended by striking out subsection (2) and as to subsection (3) by striking out the words "by a method other than removing any overburden and excavating from the surface". These amendments will make the Act generally applicable to all types of oil sand and will expand the Lieutenant Governor in Council's power to exempt oil sands from the application of the Act.

Section 18, subsection (1) is revised to in addition require the operator of a well to be the licensee or to be acting under the instructions of the licensee.

A new section 20a is added dealing with wells to be drilled for a purpose other than those provided for in section 20 or section 23. The section sets out certain information required to be set out in the application. Within thirty days after commencing the drilling in unsurveyed territory of a well other than a test hole, the licensee is required to furnish the Board with a plan in triplicate of the type referred to in section 20. In the case of a test hole if the licensee has not already furnished a plan in triplicate of the type referred to in section 20, he is required to furnish a statement in triplicate of the location of the test hole described by co-ordinates calculated to the nearest foot.

Section 23 is amended. A substituted subsection (1) requires a person proposing to drill test holes not in excess of one thousand feet in depth to apply for a licence and in such case subsection (3) of section 18, clauses (a) and (b) of subsection (2) of section 19, and section 20 do not apply. A new subsection (6) states that a licence granted under subsection (1) does not authorize the drilling of a test hole to a greater depth than is prescribed in the licence or one thousand feet if no depth is prescribed, or the commencement of drilling after one year from the date of the licence.

Amendments are made to section 26. Subsection (3) is revised to make the deposit vary with the number of wells ranging from \$5000 for two wells to not less than \$10,000 for seven or more wells. Subsection (6), clause (a) is revised to refer to the new deposits set out in subsection (3). The new subsec-

tion (10) provides a means for deposits to be in bonds or other securities.

Section 34, clause (d) is amended to authorize the regulations to require Board approval for the conversion of a well for injection purposes.

Section 35 is amended by adding a subsection (2) to empower the Board to decide a dispute concerning a pool or zone designation.

Section 36, clause (d) is revised to permit the Board to have regard to the market demand for gas not. only from the pool in question but also from any other pool that may be used to satisfy the demand.

Section 73 is amended. Subsection (4) is amended by striking out the words "any or all of". Clauses (a), (d), (e), (f) and (g) are revised. Subsections (5) and (6) are struck out and replaced. The new subsection (5) states the Board in its order may specify that in the event production of oil or gas is obtained and the owner of a tract fails to pay his share of the actual cost of drilling by the time specified, the amount payable by such owner shall include, in addition to his tract's share, a penalty payable to the operator but not exceeding one-half of his tract's share of the actual cost of drilling. This does not apply to an owner who is missing and untraceable.

A substituted subsection (2) of section 74 provides that where a well that is capable of production or that can be made capable of production has been drilled and is capped and the well is subject to an order under subsection (3) of section 73, or subsection (1) of section 74, the well shall be deemed to be drilled and located on each tract within the spacing unit irrespective of when the future operations are conducted.

A new section 74a provides that the Board shall hear an application to vary, amend or terminate an order under section 73 or section 74 where the application is made by owners of over twenty-five per cent of the working interests in the spacing unit and may, in its discretion, hear an application made by any owner. With the approval of the Lieutenant Governor in Council, the Board may vary, amend

or revise the order to supply any deficiency therein or to meet changing conditions and may alter or revoke any provision that is deemed to be unfair or inequitable.

Section 84 is revised. Under a new subsection (1) where a dispute arises as to the person entitled to receive the production allocated to a tract in accordance with an order of the Board, the operator shall sell the production with respect to which the dispute has arisen and out of the proceeds pay the costs and expenses payable with respect to the tract, and pay the balance to the Provincial Treasurer to be held by him in trust pending an order of a judge or until a settlement has been reached. Subsection (2) is revised by changing the references to the "court" to the references to the "Provincial Treasurer".

Section 87 is revised to permit the filing of a certified copy rather than an original document.

Section 121 is revised to enable the Board to avail itself of the services of any officer or other employee of any Board, commission or department of the Province. Each officer or employee is required to give the Board such service, assistance and information as he is able to give, subject to the approval of the Minister in charge.

This Act came into force on the 7th day of April, 1959.

**THE OIL AND GAS ROYALTIES DIVIDEND ACT  
AMENDMENT ACT**

(Chapter 60)

(Bill 17)

This Act amends *The Oil and Gas Royalties Dividend Act*, being chapter 64 of the Statutes of Alberta, 1957.

Payments of citizens dividends are suspended for the year 1959 and subsequent years. Corrections for administrative purposes are made in sections 3 and 10.

This Act came into force on the 7th day of April, 1959.

**THE ORDERLY PAYMENT OF DEBTS ACT**

(Chapter 61)

(Bill 45)

This Act cited as "*The Orderly Payment of Debts Act*", will enable a

debtor faced with numerous competing creditors to apply to the clerk of the court for a consolidation order. The order is made only after notice to all known creditors. While the order is in force the creditors are prohibited from proceeding independently against the debtor and all moneys paid into court on account of the debts are divided among the creditors *pro rata*. Where the clerk cannot obtain an agreement among the creditors he may refer the matter to a judge of the district court. Procedure for setting aside or varying the order where circumstances require is provided.

The Act applies only to judgments or claims for money not in excess of \$1,000 or to judgments in excess of \$1,000 if the creditor consents to come under the Act. It does not apply to a debt due the Crown, or a municipality or relating to the public revenue, or to a claim for wages under *The Masters and Servants Act* or to a claim for a lien under *The Mechanics Lien Act* or *The Garage-men's Lien Act*.

This Act comes into force on a date to be fixed by proclamation.

**THE PIPE LINE ACT, 1958**

**AMENDMENT ACT**

(Chapter 62)

(Bill 62)

This Act amends *The Pipe Line Act*, 1958, being chapter 58 of the Statutes of Alberta, 1958.

Section 4, subsection (2) is revised to state that a person proposing to apply for a permit to construct a line may enter upon Crown or other lands for the purpose of making surveys or examinations, or may negotiate for the acquisition of interests in lands to be required for the pipe line.

Section 5, subsection (2) is amended by substituting a new clause (b) requiring all applications for permits to have attached specification sheet in Form B in the Schedule.

Section 9, subsection (1) is revised to remove the reference to the plans and specifications originally submitted to the Department.

Section 12 is amended by replacing subsection (4) with new subsections (4) and (5) stating that subsection (1) does not apply to repairs or maintenance made in the course of operations or in an emergency, and that where changes are made in an emergency, particulars thereof shall be forwarded to the Superintendent immediately.

Section 14 is struck out and is replaced by a new section 14 which provides for the granting of provisional licences as well as the regular licence. An application for a licence in the new Form C and a specification sheet in the new Form D are added. Subsection (4) of the former section 14 becomes a new section 15 and section 15 is repealed.

A new subsection (5) is added to section 16 authorizing the Superintendent after granting a licence under this section to require the licensee to furnish a specification sheet in Form D.

Section 19 is amended to provide a form of transfer, Form E of the Schedule, which is required to be registered in the Department before it becomes valid.

Section 21 is amended by adding subsections (5) and (6) prohibiting the use of a pipe line for the transmission of any substance other than the substance authorized by the licence. A licensee desiring to use the pipe line for the transmission of another substance may apply to the Superintendent who may amend the licence or issue a new licence.

A subsection (3) is added to section 29 authorizing the Superintendent to cancel a licence or amend a licence on the taking up or removal of the pipe line or part thereof.

Section 30 is amended by adding a subsection (2) stating that if during the construction or operation of a pipe line any damage occurs to certain property, the licensee shall immediately cause the damage to be repaired unless an arrangement has otherwise been made with the owner thereof.

The schedule is amended by providing a new Form B and by providing Forms C, D and E.

This Act also amends *The Boilers and Pressure Vessels Act*, section 4, subsection (2), clause (k) by replacing clause (k) so that that Act does not apply to gas lines, oil lines or such other lines within the meaning of *The Pipe Line Act, 1958*.

*The Engineering Profession Act*, section 10 is amended by adding a reference to pipe lines.

This Act comes into force on the 1st day of July, 1959.

## **THE PROCEEDINGS AGAINST THE CROWN ACT**

(Chapter 63)

(Bill 55)

This new Act cited as "*The Proceedings Against the Crown Act*" is based on the Uniform Act recommended by the Commissioners on Uniformity of Legislation in Canada. This Act simplifies the procedure governing civil litigation against the Crown by abolishing proceedings by way of petition of rights and in general substituting the ordinary procedures applicable to actions between subjects. The Act also dispenses with one of the ancient immunities of the Crown by making the Crown in right of Alberta subject to an action *in tort*.

*The Alberta Petition of Right Act*, being chapter 231 of the Revised Statutes is repealed.

This Act comes into force on the 1st day of July, 1959.

## **THE PROVINCIAL GENERAL HOSPITALS ACT**

(Chapter 64)

(Bill 96)

This Act cited as "*The Provincial General Hospitals Act*" will authorize the establishment of a Provincial General Hospital in Calgary. The composition, administration and operation thereof will be very similar to that of the University of Alberta Hospital. The purpose and objects of the hospital is to provide general

hospital facilities for active and chronic treatment in the area for which the hospital is established.

This Act came into force on the 7th day of April, 1959.

**PROVINCIAL SECRETARY REFERENCES ACT**

(Chapter 65)

(Bill 46)

This Act amends five statutes by removing references to the Provincial Secretary and substituting references to the Minister charged with the administration of the Act. Amendments are to *The Chiropractic Act*, section 28, subsection (1); *The Dental Association Act*, section 27; *The Medical Profession Act*, sections 2, 31 and 77; *The Naturopathy Act*, section 25, and *The Optometry Act*, section 3.

This Act came into force on the 7th day of April, 1959.

**THE PUBLIC HEALTH ACT  
AMENDMENT ACT**

(Chapter 66)

(Bill 29)

This Act amends *The Public Health Act*, being chapter 255 of the Revised Statutes.

Section 7 is amended to give the Provincial Board of Health authority to make regulations governing the location, facilities, sanitation, maintenance, etc., of summer camps. Section 35 is amended by replacing subsection (4). The new subsection will allow the annual census taken under *The Municipalities Assistance Act* to be used in the calculation of grants. A new section 43a is added prohibiting the use of shoe-fitting machines that present a radiation hazard.

The new section 43a comes into force on the first of January, 1960, the remainder of the Act came into force on the 7th day of April, 1959.

**THE PUBLIC JUNIOR COLLEGES ACT  
AMENDMENT ACT**

(Chapter 67)

(Bill 100)

This Act amends *The Public Junior Colleges Act*, being chapter 64 of the

Statutes of Alberta, 1958. The most important change made by this amending Act is to authorize debenture borrowing by junior colleges. Various other provisions are amended to describe more aptly the process of incorporation of a junior college.

Under new sections 8 to 10, the Minister upon satisfying himself that the establishment of the college is in the public interest, after negotiating any alterations in the plan proposed by the agreements, may refer the plan to the Lieutenant Governor in Council for an order incorporating the junior college. The order incorporating the junior college establishes the persons nominated as a body corporate and empowers the corporation to hold real property and to borrow money by the issue of debentures, bonds or promissory notes or by such other means as may be set out in the order and also fixes the amount to be paid to the college board by each of the sponsoring school boards for the first and second year in which the college operates. The order also establishes a service area for the corporation.

Where a junior college wishes to borrow money by means of debentures under new section 32a it is required to submit the debenture by-law to a vote of the proprietary electors and sections 235 to 280 of *The School Act* apply *mutatis mutandis* thereto. The service area of the college will be the area equivalent to the area of the school division under *The School Act*.

A school board not a party to the operation of the junior college and desiring to participate therein may enter into an agreement to that effect with the board of the college and after the terms of the agreement are approved by the Minister an order in council may be made by adding the nominee of the school board to the college board, extending the service area of the junior college to include the area of the school district or the school division, as the case may be, and fixing the amount to be paid by the new school board annually to the college. The order may also adjust payments made by the other school boards. Provisions relating to the withdrawal of a school board are also changed. Under the new sections a school board has

the right to withdraw only when it is going to establish its own college. In addition the Lieutenant Governor in Council may, where it is advisable or in the public interest, withdraw a school board in other circumstances. When a school board is withdrawn the order may make the necessary adjustments and may determine the settlement of assets and liabilities between the school board and the college, including responsibility of the school board for the repayment of debenture indebtedness incurred while the school board was participating in the operation of the college. An order may also be made dissolving a junior college upon the request of any of the school boards but only where the Minister is satisfied that it is in the public interest. In the case of a college having debenture indebtedness the order dissolving the college may provide for the repayment of the debenture indebtedness by the school boards and fix the proportionate liability of each school board.

The powers of the Minister under section 45 are transferred to the Lieutenant Governor in Council and authority is also given to prescribe model by-laws for junior college corporations.

Subsection (2) is added to section 46 authorizing the Lieutenant Governor in Council to issue an order under section 8 giving the Lethbridge Junior College such rights, powers and duties as may be vested in or imposed upon a junior college incorporated under this Act.

This Act comes into force on a date to be fixed by proclamation.

#### **THE PUBLIC LANDS ACT**

#### **AMENDMENT ACT**

(Chapter 68)

(Bill 56)

This Act amends *The Public Lands Act*, being chapter 259 of the Revised Statutes.

Section 52 is amended by striking out and replacing subsections (3) and (4). These provisions provide that where a crop is grown on land the portion of the rent referred to in clause (a) of subsection (1) need not be paid in any year in which there is

a failure of crop in the variety or varieties grown thereon. Where more than one variety of crop is grown the portion of rent referred to in subsection (1) shall be reduced in proportion to the number of acres sown to a variety of crop that is a crop failure bears to the total number of acres sown to crop. The Minister may determine in each year the average number of bushels per acre that are required to meet the cost of producing each crop and any lesser yield shall be deemed to be a failure, but any wheat, oats, barley or rye crop with an average yield of five or more bushels per acre shall be deemed not to be a failure. A holder of a lease issued before the 14th of April, 1958, may elect to continue paying rent in accordance with the lease, or may agree with the Minister to vary the lease in accordance with this section.

Section 56 is amended by replacing subsections (2) to (4) with a new subsection (2) providing that subject to section 56a the Minister may include in a grazing lease an area of land greater than that required to graze six hundred head of cattle where such addition is not detrimental to the interests of other farmers or ranchers residing in the vicinity.

Section 56a is added. This section authorizes the Minister on one year's notice to withdraw lands from a grazing lease. In respect to a lease in force before the 1st day of May, 1959, he may remove such lands as are necessary to reduce the area to an area sufficient to graze one thousand head of cattle in accordance with its carrying capacity. In respect of a lease issued or validly assigned to the lessee after the 1st of May, he may reduce the area to an area sufficient to graze six hundred head of cattle in accordance with its carrying capacity. Subsection (2) provides that for the purpose of determining the area of land greater than that which is sufficient to graze one thousand or six hundred head of cattle, as the case may be, the Minister may include any area of land held by the lessee under a grazing lease besides that one from which the withdrawal is being made, any leased lands held within a special area, the lessee's proportionate share

in any lease held jointly with any other persons and, where the lessee is a shareholder in a company holding land under a grazing lease, an area bearing the same proportion to the total area of land held by the company as the number of shares held by the lessee bears to the total number of shares in the company.

Section 72 is amended by adding a subsection (4) authorizing the Minister where he refuses his consent to an assignment of a grazing lease to cancel the lease or withdraw any lands from the lease upon one year's notice in writing. Where the lessee to whom the notice is given under subsection (3) makes an assignment that is approved by the Minister the notice shall be deemed to be withdrawn.

Section 72a, subsection (1) is rewritten to make it clear that the provision is intended to have a retroactive effect.

Section 79a is amended. Subsection (2) is amended to make it applicable in the case of a grazing lease acquired by way of assignment. The new subsection (3) provides that a transfer of the control of a company holding a grazing lease will be treated as an assignment of the lease.

Section 87 is revised to make it applicable to rent payable otherwise than by crop share and to make the exemption applicable also where the date of issue of the lease of the lands have partly reverted to their natural state.

Section 104, subsection (1) is revised and extended to permit the Minister to withdraw land that is intended to be subdivided or made the subject of a disposition to a person requiring it for industrial or commercial purposes.

A new section 129a provides that where a person loses possession of public lands he may within one month from the date he loses possession move from such lands any chattels belonging to him. The Director may extend the one month period. After the expiration of the period any chattels remaining on the lands are thereby forfeited to the Crown in right of Alberta. If at the time any disposition is cancelled or expires and the person who held the land is indebted to the Crown, the Minister may sell any movable

building or structure on the land in satisfaction of the indebtedness.

Section 134 is amended by adding a subsection (10) authorizing the Minister to seize any grain or crop that was sown on any public lands without the authority of a disposition from the Crown.

Section 136 is amended by striking out subsection (1) and replacing it with subsections (1) and (1a). All livestock including any calf, colt or sheep less than six months old, found on public lands that are not the subject of a disposition become the property of the Crown unless a person is able to establish his title to the livestock. Any person appointed for that purpose by the Minister may round up and seize any such livestock. Subsection (3a) is replaced but notwithstanding subsections (1a) and (2) where seizure is made of horses over six months of age and not bearing any visible brand, mark or vent, the Minister may cause such horses and any colts running with them to be sold by public auction.

Section 162a is repealed.

This Act came into force on the 7th day of April, 1959.

#### **THE PUBLIC SERVICE COMMISSIONER ACT**

(Chapter 69)

(Bill 103)

This new Act cited as "*The Public Service Commissioner Act*" provides for the appointment of a Public Service Commissioner to replace the Public Service Commission under *The Public Service Act*. The Commissioner will head a new Personnel Administration Office which is to be divided into an establishment and training branch, a classification and organization branch, and an administrative and records branch. The Commissioner's duties include the conducting of tests and examinations for applicants for employment or promotion in the public service, assisting any department, branch, board or commission of the public service in the organization of its affairs, the conduct of its business operations, staff, training schemes and general office efficiency. It is also required to classify all positions in the public service in accordance with

their duties and responsibilities and prepare and recommend to the Lieutenant Governor in Council pay schedules applicable to the various classes of positions, regulations in respect of vacations, sick leave, educational leave, attendance, conduct and discipline of employees. Authority is given for the establishment of a Classification Appeal Board consisting of the Commissioner and two other members nominated by the Joint Council, appointed under *The Public Service Act*. Any employee dissatisfied with the classification given to his position may appeal the classification to the Classification Appeal Board. Each department of the government is required to have a departmental personnel officer to keep records in respect of the positions of employees in the department and assist and advise the Deputy Minister in matters relating to personnel administration. This Act also amends *The Public Service Act* to remove references to the Public Service Commission and substitute references to the new Public Service Commissioner also, certain provisions now found in *The Public Service Commissioner Act* are removed from *The Public Service Act*.

This Act came into force on the 7th day of April, 1959.

**THE PUBLIC SERVICE PENSION ACT**

**AMENDMENT ACT**

(Chapter 70)

(Bill 95)

This Act amends *The Public Service Pension Act*, being chapter 264 of the Revised Statutes.

Section 15a is amended by adding a subsection (3) providing that if an employee who entered the Public Service before the 1st of April, 1947, does not make the payment referred to in subsection (1), one-half of the first year of employment shall be deemed to be part of his pensionable service.

A new section 23a is added. When an employee is discharged from the Public Service because of the abolition of his position and if he had been a contributor under this Act for a total period of not less than ten years but was not eligible upon discharge to

receive a pension, the employee is entitled to receive at his option either double the amount standing to his credit on the records of the books or a deferred pension when he attains the age of sixty years.

This Act came into force on the 7th day of April, 1959.

**THE PUBLIC SERVICE VEHICLES ACT  
AMENDMENT ACT**

(Chapter 71)

(Bill 57)

This Act amends *The Public Service Vehicles Act*, being chapter 265 of the Revised Statutes. The definition of "public highway" is replaced by a definition of "highway" as a highway within the meaning of *The Vehicles and Highway Traffic Act*. The references to "public highway" in clauses (j) and (m) of section 2 and section 69, subsection (1) are changed accordingly.

Section 3, subsection (5) is amended to permit the agent, authorized in writing, of a public service vehicles certificate holder to operate a travel bureau or other place for the sale of tickets, etc.

Section 20, subsection (1) is amended by striking out clause (a).

Section 29, subsection (1) is revised to provide that certain certificates such as certificates of operating authority need not necessarily expire every year.

Section 41 is repealed.

Subsection (4) of section 42 is repealed.

Section 51, subsection (2) is revised to permit the board to prescribe what signs and lettering must be displayed on a truck.

This Act came into force on the 7th day of April, 1959.

**THE PUBLIC TRUSTEE ACT  
AMENDMENT ACT**

(Chapter 72)

(Bill 24)

This Act amends *The Public Trustee Act*, being chapter 266 of the Revised Statutes.

The amendments provide that notwithstanding that the Public Trustee may be appointed administrator or is empowered to act with the powers of administrator or executor or to take possession of a deceased's personal chattels in certain circumstances under sections 18, 24 and 25, the Public Trustee shall be deemed not to be a legal representative or person having lawful possession of a body within the meaning of and for the purposes of sections 80 and 81 of *The University Act*.

This Act came into force on the 7th day of April, 1959.

**THE PUBLIC UTILITIES ACT  
AMENDMENT ACT**

(Chapter 73)

(Bill 54)

This Act amends *The Public Utilities Act*, being chapter 267 of the Revised Statutes.

Sections 6 and 7 are repealed and replaced. The new sections authorize the Board, subject to the approval of the Lieutenant Governor in Council, to obtain additional technical assistance on a full-time as well as a part-time basis. These professional people will be appointed by the Board rather than the Lieutenant Governor in Council.

Section 8 is amended to authorize a Board to appoint a secretary with the approval of the Lieutenant Governor in Council.

Section 12 is repealed and replaced by a new section which authorizes the Board, for the purposes of carrying out the duties and powers imposed under this Act, to avail itself of the services of any officer or employee of any Board, Commission or Department of the Province.

A new section 42a is added that expressly prohibits the Board from making an order that would permit a rate to the consumers being increased automatically without another Board order.

Section 66 is struck out and replaced by a new section 66 and 66a which revised the powers contained in the

repealed section. Authority is given to the Board to examine the books, documents and records of any proprietor.

Section 67 is amended to give the Board authority to fix proper and adequate rates and methods of depreciation, amortization or depletion in respect of the property of any proprietor.

Clause (d) is repealed and replaced with clauses (d) and (e). The new clause (d) is similar in intent to the former clause (d), sub-clause (iii) and the new clause (e) is similar in intent to the former clause (d), sub-clause (viii). The remainder of the provisions of the former clause (d) are now found in the new sections 66 and 66a. Subsections (2) and (3) are added to section 67 providing a statutory rule for determining a rate base for the purpose of fixing rates, tolls, charges or schedules. Subsection (4) provides a means for proprietors with "most favoured nation" or "escalator" clauses in their contracts with producers to apply to the Board for a new schedule of rates. Subsections (5) and (6) relate to the manner in which schedules are to become operative and will require that new contracts containing such clauses be notified to interested municipalities.

A new section 67a is added requiring the Board at least once in every three years to review the affairs, earnings, earnings and accounts of each proprietor in respect of which the Board has previously fixed rates, tolls, charges or schedules under section 67.

Section 72, subsection (1) is amended for the purposes of clarification and to make specific references to some cases that may not be clearly provided for.

Section 78 is repealed.

This Act came into force on the 7th day of April, 1959.

**THE PUBLIC WORKS DEPARTMENT ACT  
AMENDMENT ACT**

(Chapter 74)

(Bill 21)

This Act amends *The Public Works Department Act*, being chapter 270 of the Revised Statutes, by striking out

the reference in section 6, subsection (2) of the official seal of the Minister.

This Act came into force on the 7th day of April, 1959.

**THE RURAL ELECTRIFICATION REVOLVING FUND ACT AMENDMENT ACT**

(Chapter 75)

(Bill 34)

This Act amends *The Rural Electrification Revolving Fund Act*, being chapter 291 of the Revised Statutes to increase the amount of the advance from the revolving fund under section 3, subsection (2) from twenty million dollars to twenty-five million dollars.

This Act came into force on the 7th day of April, 1959.

**THE SCHOOL ACT AMENDMENT ACT**

(Chapter 76)

(Bill 59)

This Act amends *The School Act*, being 297 of the Revised Statutes.

Sections 104, 105 and 106 relating to the qualifications to vote at elections of trustees are changed to conform with the qualifications of voters under the various municipal Acts to allow British subjects as well as Canadian citizens to vote.

Section 165 is rewritten for greater clarity.

Section 174 is amended. Subsection (1) is amended by adding immediately after the words "non-divisional district" the words "other than a city district". Subsection (3) is struck out. The payments to trustees formerly limited under this subsection are now dealt with in a new section 174a which authorizes the board of a city district to pass by-laws providing for the payment to each trustee.

Section 177, clause (d) is rewritten for greater clarity to refer to children not six years of age by the first day of September.

Section 183 is amended by adding a new clause (a1) authorizing the board to provide therapeutic treatment for

pupils suffering from speech or other disabilities that impede their educational progress.

Section 186, subsection (1), clause (e) is amended to increase the maximum *per diem* allowance for a division trustee while attending meetings of a council as representative of the board from \$10 to \$15.

Section 188 is amended to permit a board of a division to pay certain expenses of the chairman and members attending a meeting of the centralized board established under section 85.

Section 189, subsection (1) is amended to increase the maximum *per diem* allowance for a division trustee for time spent in administrative and supervisory work from \$10 to \$15.

Section 200, subsection (1) is reworded to authorize a board employing more than twenty teachers to appoint a superintendent, subject to such regulations as the Minister may establish.

Section 223, subsection (1), clause (d) is amended to authorize school boards to acquire and maintain motor vehicle accommodation.

Section 230 is reworded to authorize the board, subject to the approval of the Minister, to make provision for temporary classrooms in existing school buildings or by leasing premises and to make such repairs and alterations as may be necessary.

Section 309, subsection (2), clause (a) is rewritten to make it clear that the rate is based on the distance one way between the residence and the school or bus route and not on the mileage travelled coming and going.

Section 311 is amended by striking out clause (c).

Section 323, subsection (3), clause (b) is amended to increase the amount payable under subclause (i) from fifty to eighty dollars.

This Act came into force on the 7th day of April, 1959.

**THE SCHOOL BUILDINGS ASSISTANCE ACT  
AMENDMENT ACT**

(Chapter 77)

(Bill 90)

This Act amends *The School Build-*

*ings Assistance Act*, being chapter 298 of the Revised Statutes to enable junior colleges to obtain building grants under this Act.

This Act came into force on the 7th day of April, 1959.

**THE SCHOOL SECRETARIES' SUPERANNUATION ACT AMENDMENT ACT**

(Chapter 78)

(Bill 52)

This Act amends *The School Secretaries' Superannuation Act*, being chapter 50 of the Statutes of Alberta, 1956, by adding a new section 10a. This new section provides that where an employee terminated his service before reaching the age of sixty-five and is subsequently re-employed by his former employer or by another employer, he may be reinstated in respect of the fund upon such terms and conditions as may be determined by the regulations of the board.

This Act came into force on the 7th day of April, 1959.

**THE SOLEMNIZATION OF MARRIAGE ACT AMENDMENT ACT**

(Chapter 79)

(Bill 49)

This Act amends *The Solemnization of Marriage Act*, being chapter 319 of the Revised Statutes.

Section 2 is amended to remove the definition of "Registrar-General" and to substitute a reference to the "Director" as the Director of the Division of Vital Statistics under the new *The Vital Statistics Act*, 1959.

All references to the "Registrar-General" throughout the Act are changed accordingly.

Section 23 is amended by adding a new subsection (2a) which provides that notwithstanding subsection (2) the required consent may be given by the parent or person having legal custody when the parents are divorced or separated or where one of the parents is confined in a mental institution or by the Superintendent of Child Welfare where the minor is a ward of the government.

This Act came into force on the 7th day of April, 1959.

**THE SPECIAL AREAS ACT  
AMENDMENT ACT**

(Chapter 80)

(Bill 43)

This Act amends *The Special Areas Act*, being chapter 317 of the Revised Statutes.

Section 6, subsection (1) is amended by adding a reference to *The Local Tax Arrears Consolidation Act*.

Section 30 is repealed. The Schedule is struck out and a new Schedule is substituted for the purpose of bringing the description of the present special areas up to date.

This Act came into force on the 7th day of April, 1959.

**THE ST. MARY AND MILK RIVERS DEVELOPMENT ACT, 1950, AMENDMENT ACT**

(Chapter 81)

(Bill 20)

This Act amends *The St. Mary and Milk Rivers Development Act, 1950*, being chapter 68 of the Statutes of Alberta, 1950, by adding a new section 38a. This new section incorporates in this Act a power similar to that contained in section 141 of *The Irrigation Districts Act*.

This Act came into force on the 7th day of April, 1959.

**THE STOCK INSPECTION ACT  
AMENDMENT ACT**

(Chapter 82)

(Bill 27)

This Act amends *The Stock Inspection Act*, being chapter 321 of the Revised Statutes.

Section 28, subsection (2) is rewritten for greater clarity. A new provision is added providing that where stock owned by more than one person is included in a single shipment the stock of each person shall be distinctively marked for identification. Section 49 is amended to provide that a prosecution under this section may be com-

menced within two years of the commission of the offence.

This Act came into force on the 7th day of April, 1959.

**THE STUDENTS ASSISTANCE ACT, 1959**

(Chapter 83)

(Bill 40)

This Act cited as "*The Students Assistance Act, 1959*" repeals and replaces *The Students Assistance Act*, being chapter 323 of the Revised Statutes. This Act is based on the former Act but the power to give assistance is broadened and more classes of students are made eligible to receive assistance. A Student's Assistance Advisory Council is also established.

This Act came into force on the 7th day of April, 1959.

**THE SUMMARY CONVICTIONS ACT  
AMENDMENT ACT**

(Chapter 84)

(Bill 16)

This Act amends section 12, subsection (1) of *The Summary Convictions Act*, being chapter 325 of the Revised Statutes to permit police officers in charge of police stations in towns and cities to accept recognizances after five o'clock in the afternoon instead of only after nine o'clock in the afternoon as previously.

This Act came into force on the 7th day of April, 1959.

**THE SUPERANNUATION INCREASE ACT**

(Chapter 85)

(Bill 67)

This Act cited as "*The Superannuation Increase Act*" authorizes, effective December 1, 1958, the payment of certain additional allowances to recipients of superannuation allowances under *The Superannuation Act*, (R.S.A. 1942, chapter 35).

This Act came into force on the 7th day of April, 1959, and is retroactive to the 1st day of December, 1958.

**THE TAX RECOVERY ACT  
AMENDMENT ACT**

(Chapter 86)

(Bill 63)

This Act amends *The Tax Recovery Act*, being chapter 334 of the Revised Statutes.

Section 11, subsection (3) is amended to provide that the advertisement need not be sent to any person who has before the mailing of the advertisements redeemed the property.

Section 22 is amended by replacing subsections (3) and (4). These new subsections simplify the procedure in reviving title upon the redemption and establish the revived title as it was before final acquisition but subject to any interest or encumbrances created by the municipality.

Section 23, subsection (6) is amended. Clause (c) is amended by making it refer to section 71 of *The Land Titles Act* rather than subsection (4) of section 71. A new clause (e) is added making a certificate of title issued under this section subject to registered orders of the Board of Arbitration under *The Right of Entry Arbitration Act*.

This Act came into force on the 7th day of April, 1959.

**THE TEACHERS' RETIREMENT FUND ACT  
AMENDMENT ACT**

(Chapter 87)

(Bill 25)

This Act amends *The Teachers' Retirement Fund Act*, being chapter 330 of the Revised Statutes.

Section 2 is amended to extend the meaning of "teacher" to include any person employed by a school board in any capacity where the holding of a valid certificate of qualification is a requisite of the employment. A new section 15a is added providing rules for determining the ordinary pension payable to retiring teachers from the fund provided and governed by this Act. Section 20 which sets out the powers of the Board of Administrators is amended to set out some of the powers more clearly. Explicit power

is given to determine "pensionable service" which is referred to in the new section 15a.

This Act comes into force on the 1st day of July, 1959.

**THE ALBERTA GOVERNMENT TELEPHONES ACT  
AMENDMENT ACT**

(Chapter 88)

(Bill 26)

This Act amends *The Alberta Government Telephones Act*, being chapter 85 of the Statutes of Alberta, 1958.

Section 11, subsection (1), clause (f) is amended to enable debentures to be signed by such other member of the commission as may be designated by the Lieutenant Governor in Council. Section 13 is amended to remove the requirement that the fund established under this section be known as the Reserve Trust Fund.

This Act came into force on the 7th day of April, 1959.

**THE TOWN AND RURAL PLANNING ACT  
AMENDMENT ACT**

(Chapter 89)

(Bill 89)

This Act amends *The Town and Rural Planning Act*, being chapter 337 of the Revised Statutes.

Section 9, clause (a) is amended to enable the Board to fix a quorum for its hearings or other sittings as well as for its meetings.

Section 12, subsection (3) is amended by adding a clause (c) requiring the commission to submit an annual report to the Board.

A new section 24a is added similar in effect to section 87 of *The Land Titles Act* but not restricted to parcels within a plan of subdivision. This Act requires a plan of subdivision to be registered whenever part of a parcel of land is leased, charged or encumbered if the dealing has or may have the effect of subdividing the parcel in a manner contrary to the subdivision regulations.

A new section 70a is added making it clear that an interim development or-

der made pursuant to section 70 is not a regulation within the meaning of *The Regulations Act*.

Section 71 is amended to require an interim development order to prescribe the appointment by the council of an interim development officer or board to assist the council in the administration of interim development control.

Section 71a is repealed and replaced. The new section provides that all applications in respect of matters arising out of the exercise of interim development control shall be considered by the council but the council may delegate to the interim development board or officer authority to consider on its behalf matters within the scope of those parts of the plan or policy that have been adopted by resolution. The council may appoint an appeal board to hear appeals from the interim development board or officer. The board hears the appeal and makes recommendations to the council and the council makes the decision. An appeal lies from the decision of a council under this section to the Provincial Planning Advisory Board. This provision comes into force on the 1st day of July, 1959.

A subsection (2) is added to section 72 requiring the council to make an annual report to the board where an interim development order is in effect. The Minister may rescind an interim development order if he is not satisfied with the progress being made.

Section 80 is amended. A new subsection (1a) is added requiring zoning by-laws to be based upon a survey of the existing uses and conditions of land and buildings and an analysis of future needs in development. Subsections (8) and (9) are amended to allow the by-law to provide for the control or prohibition of the removal of topsoil from land. Subsection (10) is replaced. The new subsection is similar to the repealed one but the matter is to be referred to the council or an agent of the council designated in the by-law for the decision.

Section 81 is amended. Subsection (2) is amended to make it inapplicable to new towns, improvement districts or special areas. Subsection (4),

clauses (a) and (b) are revised for greater clarity as is clause (b) of subsection (5).

Section 82 is amended as to subsection (1) to increase the structural alterations permitted to include those necessary to make it a conforming building or those necessary for the routine maintenance of the building. Subsection (4) of section 82 is amended to make it subject to subsection (1) and a new subsection (4a) is added providing that where a non-conforming use has been made pursuant to subsection (2) of part of a parcel the use shall not be extended to any other part of the parcel and no additional buildings shall be erected while the non-conforming use continues.

A new subsection (1a) is added to section 83 requiring the council to deposit a copy of a proposed by-law with the Director before giving the by-law second reading and before holding a public hearing. This is to enable the Director to check the form and content of the proposed by-laws. Subsection (2), clause (a) dealing with the publication of the notice is amended to permit the notice to be published in one issue of each of two newspapers circulating in the municipality. A new subsection (2a) gives the council authority to regulate proceedings at the hearing so that they may be more effectively dealt with. A new subsection (4a) is added requiring the Board's approval before a by-law is finally passed to reduce the possibility of deficiencies and irregularities in by-laws.

Subsection (5) is made applicable to all by-laws under this section and not just zoning by-laws.

Section 84 is amended by revising subsections (3) and (4) to provide that official notice of a public hearing required under section 83 is not necessary where the amendment does not involve any change in the classification, number, shape, etc., of any district in which the municipality is divided under section 80 and if it contains only provisions applicable to all such districts, or where the Director certifies that the amendment is made for the purpose of clarification only.

Section 94 is amended to make it applicable to interim development by-laws as well as to zoning by-laws.

A new section 95a provides that where authorization for the development of land is given subject to certain requirements or limitations being met the conditions shall be deemed to be a covenant running with the land.

Subsection (1) of section 115 is amended to reduce the number of days' notice required from thirty to twenty-eight days.

Section 117 is amended to make it clear that a preliminary district plan comes into effect upon being adopted by the commission and upon being approved by the Board.

Section 119 is amended to make section 109 apply *mutatis mutandis* to a district general plan amendment and section 117 applies *mutatis mutandis* to a preliminary district plan amendment.

Section 122, clause (a) is amended by removing the restriction to zoning by-laws and make it applicable to all by-laws.

Section 123 is revised to make it clear when the right of appeal by a person to the Board lies. An appeal lies where the commission has refused an amendment to a preliminary district plan or where the commission has refused an amendment to a district general plan the municipality concerned approves the amendment to the district general plan.

This Act came into force on the 7th day of April, 1959.

**THE TOWN AND VILLAGE ACT  
AMENDMENT ACT  
(Chapter 90)  
(Bill 75)**

This Act amends *The Town and Village Act*, being chapter 338 of the Revised Statutes.

Section 2 is amended by striking out the definition of "felony" and by adding a definition of "mobile home".

Section 63, subsection (1), clause (a) is amended to refer to a conviction for a criminal offence punishable by death or imprisonment for more than two years.

Section 108, clause (j) is amended by removing the reference to clause (a).

Sections 110, 111, 112 and 113 are amended to remove doubt as to the qualifications as voters of persons living on lands annexed to the town or village within six months of an election.

Section 273, subsection (3) is extended to authorize the acquisition of subdivided lands if the lands to be acquired are to be contained in a plan of subdivision registered under *The Land Titles Act* at least ten years before the date of the first reading of the by-law.

Section 300 is amended by replacing clause (b) to authorize by-laws fixing a maximum speed limit. The limit shall not be less than 25 miles per hour except with the approval of the Minister of Highways.

A new section 304a is added authorizing the council to pass by-laws prohibiting the keeping of any species of wild or domestic animals or poultry in any specified part or parts of the municipality, where in the opinion of the council a nuisance is likely to be caused thereby.

Section 306 is amended by striking out clause (d).

A new section 329b authorizes a council to pass by-laws for the licensing of mobile homes. The licence fees are not to exceed ninety dollars per year. Authority is given to refund part of the licence fee where the mobile home leaves the municipality. This section does not apply to a trailer occupied by a *bona fide* tourist.

Section 334, subsection (2) is amended to remove the reference to the repealed *The Industries Assessment Act* and substitute a reference to any Act of the Legislature.

Section 339, subsection (3) is amended to extend the power of council to order the closing of shops from twelve o'clock noon to six o'clock in the forenoon.

Sections 340 and 341 are replaced by a new section 340 authorizing council by by-law to provide for a recreation program to spend money, appoint a recreation board and enter into agreement with other municipalities for the joint operation of a recreational program.

Section 366 is amended by adding a new subsection (3) placing the onus of proof on the defendant that he is not a transient trader within the meaning of this Act.

A new section 366a is added authorizing the council by by-law to impose a tax on persons in possession of certain equipment engaged in the drilling of any well for which a licence is required under *The Oil and Gas Conservation Act*.

A new section 395a is added authorizing councils to remit taxes on improvements destroyed in any year in which they have already been assessed.

Section 396, clauses (d) and (e) are amended to authorize the making of service connections to common sewers and water mains as local improvements.

Section 409 is amended by adding a subsection (2) to the effect that an appeal shall not be made under this section except upon the first imposition of the special assessment.

Section 411 is revised.

Forms 3 and 8 of the Schedule are amended to add a reference to land annexed to the town or village to conform to the changes made in section 110, etc.

This Act came into force on the 7th day of April, 1959, and the new sections 366a and 395a are made retroactive to the 1st day of January, 1959. The new section 329b is effective on the 1st day of April, 1959.

#### THE TREASURY BRANCHES ACT

#### AMENDMENT ACT

(Chapter 91)

(Bill 66)

This Act amends *The Treasury Branches Act*, being chapter 344 of the Revised Statutes by adding a new section 7a which gives express authority to treasury branches to rent safety deposit boxes and to accept valuables for safe-keeping; practices which have heretofore been entered into as a matter of convenience and service to its clients.

This Act came into force on the 7th day of April, 1959,

**THE TREASURY DEPARTMENT ACT  
AMENDMENT ACT**

(Chapter 92)

(Bill 107)

This Act amends *The Treasury Department Act*, being chapter 343 of the Revised Statutes.

Section 64, subsection (2) is amended to increase the maximum salary payable to the Provincial Auditor from \$13,000 to \$13,800 per annum.

This Act came into force on the 1st day of April, 1959.

**THE VEHICLES AND HIGHWAY TRAFFIC ACT  
AMENDMENT ACT**

(Chapter 93)

(Bill 11)

This Act amends *The Vehicles and Highway Traffic Act*, being chapter 356 of the Revised Statutes. Section 2 is amended. The definition of "highway" in clause (f) is amended to restrict the meaning of highways to places for the passage of vehicles and not other areas of private property. A definition of "park" is added.

Section 3 is repealed.

The references throughout the Act to "chauffeurs' and drivers' licences" are removed and references are made to the new "operators' licences" instead. For this purpose the following sections are amended: Sections 4, 5, 8, 9, 16, 17, 19, 20, 21, 90, 100, 101, 114, 128, 134, 139, 148, 152, 153, 154, 155, 157, 160, 161, 164, 166.

Section 19, subsection (1) is amended so that only "moving" or more serious offences are to be endorsed upon an operator's licence.

Section 21 is repealed and replaced with a new section requiring a person to sign any licence received by him under the Act and providing that until the licence is signed it is not valid.

A new section 35a is added that governs the type of headlamps that may be installed on tractors for use on highways where lights are required under section 46. The section does not require tractors to have headlamps as standard equipment.

A new subsection (6) is added to section 42 requiring tractors to have tail lamps as standard equipment to the same extent as motor vehicles are required to have tail lamps.

Section 46, subsection (1), clause (a) is amended by removing the reference to three hundred feet in sub-clause (ii) and by substituting a reference to the distance specified in section 35a.

Section 50, subsection (1) is repealed and replaced to require all motor vehicles operating on a highway to have an adequate service brake and an adequate emergency or parking brake capable of being operated separately. The references in subsections (5) and (6) to "hand" brakes are changed to a reference to "emergency or parking" brakes.

Section 53 is amended by making subsection (1) section 53, and by making subsections (2) to (5) of section 53 as subsections (2) to (5) of a new section 53a. The change is made because section 53 formerly appeared to apply only to new vehicles and the change is made to make it applicable to turn signals generally.

A new section 53a, subsection (1) provides that no person shall operate a motor vehicle equipped with lamps or mechanical signal devices unless the lamps or device show to the front and rear of the vehicle and otherwise comply with the requirements of this section.

Part III is repealed and new sections 58 to 63 are enacted. The new sections prescribe a general speed limit of sixty miles by day and fifty miles by night, as was formerly the case, and permit this rate to be increased on four lane highways to sixty-five by day and fifty-five by night. It also permits the rate to be decreased on other highways where such lesser rate may be desirable. Subsection (3) of section 58 provides that a person turning a corner in a town, village or hamlet at a greater speed than fifteen miles an hour shall be deemed *prima facie* to be driving at an unreasonable rate of speed. The provisions for a speed limit for school zones on highways is revised to define what are school zones and when the zone is in effect.

Sections 61 and 63 of the former part are re-enacted as sections 62 and 63. Subsection (1) of section 66 is struck out and replaced. The new subsection requires vehicles to be driven on the right hand side of the centre line of the highway in all cases and at all times except when overtaking or passing, when the highway to the right is obstructed or closed, or upon a one-way highway.

A new section 66a is added providing that no person shall follow another vehicle more closely than is reasonable and prudent, having regard to the speed and density of traffic and the condition of the highway. Drivers of vehicles in a caravan or motorcade, other than a funeral procession, are required to leave sufficient space between their vehicles and another vehicle to enable the vehicle to enter and occupy the space without danger.

Section 75a is amended. Subsection (6), clause (a) is amended to permit a right turn on red lights where a traffic sign or device so indicating is posted. Subsection (14) is replaced. The new subsection provides that where rapid intermittent flashes of yellow light are exhibited together with a sign reading "school zone", "school crossing", "pedestrian crossing", "pedestrian zone", etc., any vehicle shall proceed with extreme caution at a speed not greater than twenty miles an hour and shall yield the right of way to any pedestrians.

Section 76 is repealed and replaced. The new section sets out more completely when a vehicle must come to a stop before entering upon any alley, lane, driveway, private road, street, local highway, secondary or main highway. The vehicles are to be brought to a stop at a point not less than ten feet nor more than twenty feet from the road unless a "yield right of way" sign is posted. Where a "yield right of way" sign is posted a vehicle need not be stopped but shall yield the right of way to all traffic upon the roadway being entered upon. The council of a municipal district or county may designate any local highway, street or intersection within a municipality as an intersection at which vehicles are required to stop or yield the right of way.

Section 79, subsection (1) is amended to make the stopping provisions applicable when the school bus is flashing red signal lights as well as when it is loading and unloading passengers.

Section 80, subsection (5) is amended by replacing clause (c) with clauses (c) and (d) requiring vehicles carrying explosive substances as cargo and vehicles used for carrying flammable liquids or gas whether or not the vehicle is then empty to stop at crossings.

Section 81 is repealed and replaced. Where an accident occurs on a highway every person in charge of a vehicle and directly or indirectly a party to the accident is required upon request to give his name and address, the name and address of the registered owner of the vehicle, the number of the driver's operator's licence, and the registration number of the vehicle. Where the driver of the vehicle collides with an unattended vehicle he is required to stop and either locate and notify the person in charge of the vehicle or leave in a conspicuous place or upon the vehicle a written notice giving his name, address, operator's licence number and motor vehicle licence number.

A new section 81a sets out subsections (3) and (4) of the former section 81 in a revised form and further provides that where no report is made under subsections (1) and (2) and the driver is not the owner of the vehicle the owner shall forthwith after hearing of the accident make a report. Where the driver is alone and is the owner and is incapable of making the report he shall make the report as soon as he becomes capable of making it.

A new section 81b sets out the former subsection (7) of section 81 in the revised form.

The new section 81c requires the person in charge of a public garage, parking station, parking lot, used car lot or repair shop, to report to the police when any motor vehicle, showing evidence of having been involved in a serious accident or having been struck by a bullet, is brought to his place of business.

A new section 81d provides that a written report or statement made un-

der sections 81a, 81b or 81c is not open to public inspection and is not admissible in evidence except to prove compliance with those sections or falsity in making the statement. Where a person or insurance company has paid or may be liable to pay for damages resulting from an accident, he may be given such information as may appear on the report in respect of the date, time and place of the accident, identification of vehicles and parties, witnesses, investigating police officers, the weather and highway conditions at the time of the accident and the estimate of damages. It is an offence to make a false statement in a report made under sections 81, 81a, 81b or 81c.

Section 83 is amended by striking out subsection (1) and by removing the references in subsection (6) to "traffic control signals" and "green or go" signals.

Section 88 is struck out and replaced. The new section prohibits persons from littering the highway and requires any person who removes a wrecked or damaged vehicle from a highway to remove glass or other injurious substances or things dropped upon the highway from the vehicle.

Section 90 is replaced. No person shall permit anyone who is not the holder of an operator's licence to drive a motor vehicle or permit anyone to drive a motor vehicle other than one of the type that his licence permits him to drive .

Section 114, clause (b) is amended because of the new Part III. The reference to section 58 is struck out and a reference to Part III is substituted.

Section 124, subsection (1) is amended by striking out the words "for which a certificate of registration has been issued under the provisions of this Act".

Section 139 is amended by adding a subsection (3) making it an offence for a person to operate a motor vehicle of a type that he is not authorized to operate under the class of operator's licence that he holds.

Section 140, subsection (1) is amended to increase the penalties for a second offence to not more than three hundred dollars and for a third and subsequent offence to a fine of not more than five hundred dollars.

Section 143 is amended by removing the references in subsections (1) and (2) to section 58 and by substituting a reference to the new Part III.

Section 148 is amended by striking out clause (c).

Section 152, subsection (1) is amended by striking out clauses (e) and (g) and replacing them. The operator's licence is to be suspended where the operator is convicted of driving a motor vehicle on a highway in excess of the maximum speed prescribed pursuant to section 60 if injury to property in excess of \$100 or to any person occurs in connection therewith. It is also to be suspended where the person is convicted of an offence under the *Criminal Code* arising out of the operation of a motor vehicle or the failure to return to the scene of an accident.

Section 173, subsection (8) is amended to make it applicable for the removal of any part or accessory of the vehicle as well as the vehicle.

Section 175 is amended. Subsection (1) is amended for greater certainty. Reference to proof as required by Part XI is removed and a reference to proof in any of the forms prescribed by section 157 is substituted. Subsections (4) to (10) are repealed and replaced providing a new procedure for disposing of impounded motor vehicles. Where a vehicle is impounded under section 173 and the owner fails to give the proof or security required within two months from the date of the accident the person having custody of the vehicle may on application to a judge have the vehicle sold. Proceeds are to be applied firstly in payment of the expenses of sale, secondly in payment of any storage charges, thirdly in paying any unpaid vendor of the motor vehicle. Any money remaining is to be paid to the registrar to be held for the owner if no action is commenced against the owner, or for the successful plaintiff where an action is completed. The moneys in the hands of the registrar are not subject to attachment by any creditors of the owner of a motor vehicle impounded and sold under this section.

This Act comes into force on the 1st day of July, 1959.

## **THE VITAL STATISTICS ACT, 1959**

**(Chapter 94)**

**(Bill 33)**

This Act cited as "*The Vital Statistics Act, 1959*", will repeal and replace *The Vital Statistics Act*, being chapter 360 of the Revised Statutes.

This Act with some slight modification is a uniform Act recommended for enactment by the Conference of Commissioners on Uniformity of Legislation in Canada. The Act provides for a Director of Vital Statistics with whom must be registered all births, still-births, adoptions, marriages, divorces and deaths.

This Act comes into force on the 1st day of January, 1960.

## **THE WILDERNESS PROVINCIAL PARK ACT**

**(Chapter 95)**

**(Bill 87)**

This Act cited as "*The Wilderness Provincial Park Act*" establishes a provincial park in the area north of Jasper National Park, dedicated to the use of the people of Alberta for their benefit, education and enjoyment and for the enjoyment of future generations. No disposition of lands contained in the Park are to be made under any other Act of the Province but nothing in the Act affects the administration and control of mines and minerals within the area of the Park. The Lieutenant Governor in Council may make regulations disposing of estates or interests in land within the Park and may make regulations dealing with the suppression of fire, prevention of soil erosion and conservation of water.

This Act came into force on the 7th day of April, 1959.







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